

Approved: August 10, 2010

# **Borough of Tenafly**

## **MAYOR AND COUNCIL**

### **MINUTES**

**TUESDAY, JULY 13, 2010**

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

**ABSENT:** Councilman Anthony Barzelatto

**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 Councilman Lattif, second by Councilwoman LaMastra and unanimously carried,

RESOLVED that the Minutes of the Work Session of June 22, 2010, Closed Session of June 1, Public Meeting of June 22, 2010, and Closed Session of June 22, 2010 (not for release), are hereby approved.

REVISIONS TO THE AGENDA – Borough Attorney McClure advised that a personnel matter concerning an Administrative employee’s request for intermittent Family Medical Leave Act would be added to the Closed Session. Borough Clerk Hatten advised that Resolution #R10-242, awarding the Bid for the Rose Garden Improvements at Davis-Johnson Park, would be removed from the Consent Agenda and placed under New Business.

#### **AUDIENCE REMARKS FOR AGENDA ITEMS:**

Alida Kratnoff, 59 Highwood Ave., Tenafly, stated that she was happy that there is to be a Light Rail referendum question placed on this year’s ballot, but objects to the proposed wording. She believes that more information as to where it is going to and coming from needs to be included.

Lisa DiSalvo, 168 E. Clinton Ave., Tenafly, expressed her opinion that the Light Rail referendum question needs to tell the public what it will do to and for Tenafly. She believes that former Borough Administrator, Joe DiGiacomo’s proposed interpretive statement is clear-cut and people will want to read it.

Phyllis Persky-Kesslen, 16 Stonehurst Dr., Tenafly, does not believe that people come to the voting booth well-informed. She requested that Joe DiGiacomo’s referendum version be used instead of the proposed referendum question as it is more informative and will allow people to make an educated decision.

Barry Honig, 151 Deerfield Dr., Tenafly, believes the interpretive statement needs to be clear-cut to allow people to digest it in the voting booth. He does not feel that NJ Transit has the town’s best interest at heart and it is therefore the responsibility of this governing body to ensure that the residents have good understanding of the dramatic impact that the Light Rail would have on the town.

Walt Kosmin, 31 Woodmere Ln, Tenafly, asked for clarification of the vote that was taken on the bond ordinance. He further questioned why residents who have asked questions tonight during the public comment portion of the meeting have not received answers. He was informed

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that the public comment portion of the meeting is not meant to be a dialogue. If people have questions or concerns, he was told that they should write a letter to the Mayor and Council.

Johanne Gambrill, 15 Ravine Rd., Tenafly, expressed her opinion that the proposed Light Rail referendum question is an insult to people's intelligence. She stated that people have busy lives and most likely will not read the sample ballot ahead of time. She, therefore, believes the question needs to be as clear as possible.

Lori Starer, 21 Stanton Rd., Tenafly, stated that the Light Rail referendum question is too vague and there needs to be more information.

Howie Seiden, 88 Willow Ln., Tenafly, stated that he is a member of the Transportation Committee and expressed his opinion that he is against having a referendum question placed on this year's ballot. He does not believe that the Transportation Committee has gotten enough information from NJ Transit and therefore cannot provide an informative interpretive statement.

Debra Uematsu, 12 N. Summit Ave., Tenafly, expressed her support for a more detailed referendum question. She suggested including information such as the number of crossings each day and the fact that horns will have to blare unless there is a quiet zone. She feels that much of the supporting data included in Joe DiGiacomo's statement needs to be included in this statement.

Councilman McDermott agrees that the interpretive statement needs to state that the Light Rail will not go to New York. He also believes that more information does need to be included as most residents are not informed on this subject. However, he noted that certain information is not known at this time such as the number of crossings and where quiet zones will be located. He further stated that the Council is up against a deadline to put this statement together.

Martha Koven, 2 N. Summit St., Tenafly, stated that she was happy to hear that Councilman McDermott would like to include more information in the interpretive statement. She referred to the February 2009 Newsletter that included a wealth of information on the proposed Light Rail that she assumed was provided by NJ Transit. She went on to offer her services in writing the referendum question to be placed on November's ballot. She also asked that literature be provided to residents prior to election day. She stated that she provided the governing body with a copy of Leonia's survey about the Light Rail and thinks that something similar should be done in Tenafly.

#### CORRESPONDENCE

A. NJ DOT Re: Grant Available

Borough Clerk Hatten acknowledged receipt of a letter from the NJ Department of Transportation informing the Borough that a grant is available for Municipal Aid, Bikeway, Centers of Place, Safe Streets to Transit and Transit Village Programs.

#### CONSENT AGENDA

- A. #R10-228/Approve July Expenditures
- B. #R10-229/Authorize Refund/Tree Removal Escrow/final 20%/46 Knoll Rd/\$800.
- C. #R10-230/Authorize Refund/Tree Removal Escrow/80%/3 Birchwood Place/\$2400.
- D. #R10-231/Authorize Refund/Tree Removal Escrow/12 Knoll Road/\$1400.
- E. #R10-232/Approve Tax Court Judgment refund for years 2008 and 2009
- F. #R10-233/Approve Refund/Construction Escrow/Spring Hill Assoc./41 Engle Street
- G. #R10-234/Approve Outdoor Seating Permit for Clinton Inn and Tenafly Diner
- H. #R10-235/Approve Raffle Applications/#971 and 972 for C.A.T.S., Inc.
- I. #R10-236/Appoint 2010-11 Representative and Alternate for Bergen County Community Development Committee
- J. #R10-237/Approve renewal of 2010-11 liquor license/TPR Restaurant
- K. #R10-238/Approve Contract with County/Davis-Johnson Park Lighting Project
- L. #R10-239/Approve Developer's Agreement/Major Soil Removal/111 Oxford Drive
- M. #R10-240/Award Bid for Walnut Park Playground Project
- N. #R10-241/Approve State Contract Purchase/Acquisition of Walnut Park Playground Equipment
- O. #R10-242/Award Bid for ~~Rose Garden Improvements at Davis-Johnson Park~~ moved to *New Business*
- P. #R10-243/Award Bid for Road Resurfacing/Add Dean Drive/Owl Contracting, Inc.

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- Q. **#R10-244/** Award Bid for Nature Center ADA Ramp
- R. **#R10-245/** Amend Contract/Community Action Services/COAH/include Mortgage Subordination Services/Housing Rehabilitation Loans
- S. **#R10-246/** Approve Subordination of Reverse Mortgage/175 W. Clinton Avenue
- T. **#R10-247/** Appointment of Acting Borough Clerk as of August 1, 2010.
- U. **#R10-248/** Approve Monopole Sub-Lease Agreements with Crown Castle/Open Range Communications and Crown Castle/Clearwire Communications
- V. # **R10-249/** Accept H1N1 Grant/Board of Health/\$5384.00

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

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:	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. 10-21/Amend Ordinance No.08-25/Creating a Special Improvement District and Designating a District Management Corporation

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

**ORDINANCE TO AMEND 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**

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, July 13, 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.

Sandy Fernandez, 255 County Rd., Tenafly, questioned the vision of the Special Improvement District as well as the cost. She was told that the purpose of this district is to create a geographic area that goes beyond downtown. The vision is to make the business district more vibrant and user-friendly. The cost will be borne by the property owners involved and the monies collected will be used for structural improvements, marketing, applying for grants, etc. Ms. Fernandez also stated that her building was changed from a business to a commercial zone a few years ago which has greatly restricted the use of her building. She is currently trying to sell the property and these restrictions have made it very difficult to do so.

Frank Ingannamorte, 67 Burlington Rd, Tenafly, expressed his opinion that all Tenafly residents should be made to contribute to the cost of the Business Improvement District. He believes it is unfair and unconstitutional to only tax businesses within the district. He also shared his belief that only those businesses located in the downtown will benefit from having a Special Improvement District.

Robert Courtwright, 137 Piermont Rd, Tenafly, also questioned why only the properties within the business district have to bear the cost. He was informed that the concept was based upon a formula used throughout the state. Mr. Courtwright also inquired as to the improvements that are to be made. He was told that the Board of Directors would decide the actions to be taken

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Sandy Fernandez, 255 County Road, Tenafly, noted that this was the first time that she has been informed about the Special Improvement District. She again stated that her property is no longer considered a business as it is commercially zoned.

James Elias, 36 Prospect Terr., Tenafly, stated that he owns a business at 25 Central Avenue and the use of his building has also been changed. He believes that the Business Improvement District is unfair as he feels that it will only benefit those businesses in the downtown area. He suggested creating an ordinance to dissolve the BID and instead, the Council should look into lowering rents in order to bring new businesses into town.

Mayor Rustin urged all business owners to attend the BID meetings to express their concerns and have their input be heard.

Mayor Rustin again recognized Councilwoman LaMastra:

**#R10-250/**Consider Adoption of Ordinance No. 10-21

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

Councilman McDermott stated that he would be voting in favor of this resolution. He shares the public’s concern that the businesses in downtown will be the only businesses to benefit and has urged the Board of Directors to reach out to the businesses on the outskirts. In order for the BID to be a success, he also stressed the importance of all business owners involved attending the meetings and providing their input.

Councilwoman LaMastra noted that the Board of Directors for the BID are business owners in Tenafly and are very conscious of the impact that their decisions will have on the businesses in town.

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:	aye

2. Ordinance No. 10-22/2010 Multi-Purpose Ordinance

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

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS BY THE BOROUGH OF TENAFLY, IN THE COUNTY OF BERGEN, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,251,000 THEREFOR, INCLUDING A GRANT IN THE AMOUNT OF \$200,000 EXPECTED TO BE RECEIVED FROM THE NEW JERSEY TRANSPORTATION TRUST FUND, \$16,000 EXPECTED TO BE RECEIVED FROM THE BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AND \$459,000 AVAILABLE FROM THE CAPITAL SURPLUS FUND AND AUTHORIZING THE ISSUANCE OF \$547,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

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, June 22, 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

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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.

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.

Marc Rosenberg, 41 Downey Dr., Tenafly, questioned the cost of the installation of the new sidewalk on Downey Drive. He does not believe that \$70,000 will be enough to cover the expense of putting a new sidewalk in front of 14 properties. He further stated that he is opposed to the sidewalk no matter the cost. He was informed that if bids were to come in for more than \$70,000 then the Council would then consider appropriating additional funds.

Conrad Blum, 89 Downey Dr., Tenafly, stated that he is opposing the installation of a sidewalk on Downey Drive. He does not believe that it will contribute to safety. He believes that there are more problems with pedestrian traffic on Thatcher which intersects Downey and that this sidewalk will not help to alleviate those issues. He suggested looking into measures such as speed bumps, parking regulations, painted pedestrian lines, etc, to help increase safety on Downey. He, too, questioned the cost of the project and stated that under these difficult economic conditions, it does not make sense to take on a project of this nature.

Phyllis Persky-Kesslen, 16 Stonehurst Dr., Tenafly, expressed her gratitude for instituting plans for a new sidewalk on Downey Drive. She stated that the sidewalk is severely needed and will do a great service for the children traveling to school. She also acknowledged the recent traffic regulations put into place. She questioned whether the sidewalk would be in place by September and she was informed that the completion date was not known at this time.

Jude Finkelstein, 68 Downey Dr., Tenafly, expressed her concern over Downey Drive becoming one-way for part of the day. She inquired as to how she would exit her house. She was informed that she would have to proceed east towards the school.

Marian Acquah, 92 Downey Dr., Tenafly, questioned why a comprehensive study of the dismissal process at the school never took place. She does not believe that putting sidewalks on Downey will resolve the primary problem. She made reference to statements that Chief Michael Bruno made at School Board meetings that he is not a traffic expert, his main focus is to keep children off of the streets, and he has not looked into alternatives. She expressed her opinion that there needs to be a comprehensive study done.

Mayor Rustin again recognized Councilman Rouse:

#R10-251/Consider Adoption of Ordinance No. 10-22

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:

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS BY THE BOROUGH OF TENAFLY, IN THE COUNTY OF BERGEN, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,251,000 THEREFOR, INCLUDING A GRANT IN THE AMOUNT OF \$200,000 EXPECTED TO BE RECEIVED FROM THE NEW JERSEY TRANSPORTATION TRUST FUND, \$16,000 EXPECTED TO BE RECEIVED FROM THE BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AND \$459,000 AVAILABLE FROM THE CAPITAL SURPLUS FUND AND AUTHORIZING THE ISSUANCE OF \$547,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

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

Councilman Lattif expressed his concern that the cost of the sidewalk installation on Downey would exceed the \$70,000 appropriated. He does not want to vote yes if there is not sufficient funding. At the same time, he does not think that money should be bonded that may not be used.

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Mayor Rustin responded that because there is such a need for capital improvements, any unused monies can either go into surplus or be used for other projects such as road improvements. Councilwoman LaMastra expressed her concern that residents were not aware of the new traffic ordinances that have been put into place on Downey and it was decided that notification would be put into the upcoming 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:	nay	Councilman Warms:	aye

## COMMITTEE REPORTS

Councilman Warms	Tenaflly Nature Center was contacted by firms representing Verizon and T-Mobile requesting to build a cell tower in the Lost Brook Preserve. The Nature Center is going to respond that they do not have the legal ability to do so. The Meerwald is at Alpine Dock tomorrow through Sunday.
Councilman McDermott	None.
Councilman Rouse	Mr. Rouse recognized that tonight is Nancy Hatten's last meeting as Borough Clerk. He stated the following about Nancy's time as Borough Clerk in Tenaflly: "At the reorganization meeting as I finished my 16 years on the Council, I was planning to say that I have served with 4 mayors, 4 administrators, CFOs, 3 Police Chiefs, over 40 council members, but only 1 Borough Clerk. I will not be able to make that claim in January next year. Nancy first joined the Borough in the Recreation Department as Secretary. She then worked as a Library Assistant and Secretary for the Board for approximately a year. She was appointed Borough Clerk on December 1, 1987. Over the next 23 years, she attended approximately 1,100 Council meetings. There is a name for somebody like that and I think the word is saint. For ten years, Nancy taught at the Center for Government Services at Rutgers University. She is known throughout the State. If you go into just about any Borough Hall Clerk's Office in the State of NJ whether it's Sparta in Sussex County or Belvedere in Hunterdon County and say that you are from Tenaflly, the first thing that they say is 'Do you know Nancy Hatten?' Nancy left that job of teaching after ten years and in accepting her resignation, the letter to her said 'When we would speak to students in the program they always went out of their way to mention you and the impression that you made on them in terms of knowledge and professionalism. You cared deeply about your students and it showed. Your care and concern for the students in your classes are a reflection of the high level of dedication that you have for the municipal clerk profession. We are thankful for your commitment and your conscientiousness, Nancy. Through the years, you offered thoughtful, honest opinions about the content, structure, and study materials of the RMC program. You took time to think about issues and provide meaningful input for the planning process.'

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Nancy also served as the editor of the Municipal Clerk’s Association’s newsletter for a period of about 4 years. In 2007, she was elected Municipal Clerk of the Year by the Municipal Clerk’s Association of New Jersey. Tenafly is very fortunate to have had you, Nancy, as our Borough Clerk and I wish you all the best in the future.”

Borough Clerk Hatten thanked Mr. Rouse for his comments and responded that her 23 years went by very quickly. She went on to state the following: “Let me just say this no matter how late the meetings went, and we had some marathons, I never minded the hours, but oh those minutes.”

Councilman Lattif None

Councilwoman LaMastra Ms. LaMastra recognized the hard work that the Recreation Department put into the 4<sup>th</sup> of July festivities that took place on July 3, 2010. She praised Tony Favorito, Recreation Director, and his staff for a job well done.

Mayor Rustin further stated that, in his opinion, the fireworks presentation this year was the best ever. He expressed that he intended to reach out to Cresskill next year to see if the two towns can join together to put on an even better show. He acknowledged the hard work of the Borough Administrator, DPW, Police, TVAC, Fire Department, and Board of Education. Mr. Rouse pointed out that during the fireworks the TVAC and Fire Department had to respond to a house fire.

OLD BUSINESS None

NEW BUSINESS

Mayor Rustin recognized Councilwoman LaMastra:

- A. #R10-252/Introduction of 2010 Special (Business) Improvement District budget

Motion by Councilwoman LaMastra, second by Councilman Lattif:

At a special meeting of the Mayor and Council of the Borough of Tenafly, County of Bergen, State of New Jersey, held on Tuesday, July 13, 2010.

BE IT RESOLVED that in accordance with NJSA 40:56-84, the required report of goals and objectives of the District Management Corporation having been submitted to the Governing body, the following shall constitute the Special (Business) Improvement District Budget for the year 2010. The Governing Body of the Borough of Tenafly does hereby approve the following as the SID Budget for the year 2010:

**REVENUES**

<b>Special Improvement District Assessment</b>	<b>\$112,500</b>	
	<b>Total Revenues</b>	<b><u>\$112,500</u></b>

**APPROPRIATIONS**

**Salaries/Personnel** **Budget**

Director/Support Staff \$50,000.00

The Director of the Business Improvement District (BID) will be responsible for running the day-to-day operations of the corporation, coordinating Board meetings, community relations and relations with the district’s businesses and will report directly to the Board. In his/her initial year, they will be responsible for learning about Tenafly, surveying the businesses, gathering

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information from the properties in the business community, maintaining the website and implementing programs as determined by the Board.

**Operating Expenses**

Website Development \$ 2,500.00

The Board recognizes the importance of communicating to the businesses in the BID and to the residents in the community, so implementation of a website will be one of the first orders of business.

Accountant and Auditor Services \$ 5,000.00

It is required for all businesses to keep accurate records and file annual reports with the State of New Jersey therefore the professional services of an accountant and an auditor must be retained.

Insurance \$ 2,500.00

A separate insurance policy for the BID and its members is required.

**Marketing/Programming**

Special Events \$ 5,000.00

At least two community-wide events will be planned.

Advertising \$ 2,500.00

Way-finding and Signage \$25,000.00

This program is of utmost importance to the community. Signs directing visitors and potential shoppers to Tenafly’s business area are sorely lacking. Attractive signs following the “Borough of Tenafly” signs located on 9W and other areas of the Borough directing motorists to the retail/business areas of the community would let the public and surrounding communities know that the Borough of Tenafly does indeed have a substantial business area. Tasteful informational signs directing shoppers to municipal parking areas will be included.

**Administration/Communication/Education** \$20,000.00

Among other things, this category will encompass graphics, mailings and communication to businesses and the community, meetings, reimbursable expenses for education and travel, internet and web-hosting.

**Total Appropriations \$112,500.00**

BE IT FURTHER RESOLVED that said Budget be published in full in the Press Journal and the Record in the issues of July 22, 2010, and in compliance with N.J.S.A.40:56-84, a copy of this full approved budget shall be posted on the public bulletin board in the lobby of Borough Hall in the Municipal Center, 100 Riveredge Road, Tenafly, NJ where public notices are customarily posted, and will be made available to each person requesting a copy of said budget resolution, without charge, from the time of introduction through the public hearing.

NOTICE IS HEREBY GIVEN that the BID Budget resolution was approved by the Mayor and Council of the Borough of Tenafly, County of Bergen, on July 13, 2010. A hearing on the Budget resolution will be held at the Tenafly Municipal Center, Council Chambers, 100 Riveredge Road, Tenafly, New Jersey on Tuesday August 10, 2010 at 8:00 p.m. or as soon thereafter as the matter may be heard, at which time and place objections to said BID Budget resolution for the year 2010 may be presented by taxpayers or other interested persons.

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:	aye

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B. **#R10-253**/Introduction of Ordinance No. 10-23/Light Rail Ballot Question

Motion by Councilman McDermott, second by Councilman Lattif:

At a regular meeting of the Mayor and Council of the Borough of Tenafly, County of Bergen, State of New Jersey, held on Tuesday, July 13, 2010.

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

**AN ORDINANCE AUTHORIZING A NON-BINDING MUNICIPAL REFERNDUM ON THE PROPOSAL TO EXTEND PASSENGER RAIL SERVICE TO 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 the Council Chambers, Tenafly Municipal Center, 100 Riveredge Road, Tenafly, New Jersey, on Tuesday, August 10, 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 the members of the public who shall request same.

The Council discussed the number of questions to be included in the Light Rail referendum as well as the wording of the interpretive statements. Howie Seiden, Chair of the Transportation Committee, was asked to participate in the discussion. A statement prepared by former Borough Administrator, Joseph DiGiacomo, was considered for use by the Council. However, the Council agreed that this statement provided too much detail and would, therefore, be too confusing.

There was a brief recess at 9:52 p.m. The Council reconvened at 10:05 p.m.

After some debate, the Council decided that there should be one question included in the referendum, it should be clear in the interpretive statement that the Light Rail would provide connections to New York through Hudson County, and all references to Diesel Multiples Units (DMU) should be omitted. The Council also agreed, at the suggestion of Howie Seiden and the recommendation of Borough Attorney McClure, to include some of the language in the interpretive statement in Question Number 3 for the new proposed interpretive statement. Borough Attorney McClure advised that the public should be aware that NJ Transit will make the ultimate decision as to whether the Light Rail project would proceed. The agreed upon wording of the referendum reads as follows:

**NON-BINDING QUESTION #1**

( ) Yes      Should New Jersey Transit re-establish passenger rail service into and out of Tenafly?

( ) No

**INTERPRETIVE STATEMENT**

New Jersey Transit has proposed the restoration of passenger rail service to the Borough of Tenafly as part of its Northern Branch Corridor Project. New Jersey Transit has announced that its preferred method is Electric Light Rail to and from Tenafly. The proposed rail service will connect Tenafly to Hudson County and will provide connections to New York at Weehawken, Hoboken, and Jersey City. Tenafly has not had any type of scheduled passenger rail service since the 1960's.

It is important to keep in mind that the Mayor and Council will not have official authority to decide whether or not this project will proceed. That final decision-making authority rests with New Jersey Transit and the Federal Transportation Administration. For that reason, the results of this referendum must be understood to be non-binding and for informational purposes only.

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A “yes” answer to this question means that you would be in favor of New Jersey Transit offering passenger rail service as another form of public transportation to and from Tenafly.

A “no” answer to this question means that you would be against New Jersey Transit offering passenger rail service as another form of public transportation to and from Tenafly.

Councilwoman LaMastra inquired as to how the governing body planned to circulate information to the public about the Light Rail. It was decided to put discussion about a communication plan for the Light Rail onto a work session agenda.

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:	aye

C. #R10-242/Award Bid for Rose Garden Impvements at Davis-Johnson Park

Motion by Councilman Rouse, second by Councilman Warms:

At a regular meeting of the Mayor and Council of the Borough of Tenafly, County of Bergen, State of New Jersey, held on Tuesday, July 13, 2010.

WHEREAS, Capital Ordinances Nos. 10-08 and 10-09 were adopted on March 9, 2010 and allocated funding for the project known as the “Rose Garden Improvements at Davis-Johnson Park”;

WHEREAS, via Resolution #R10-171 on May 11, 2010, the Mayor and Council authorized the receipt of bids for the “ROSE GARDEN IMPROVEMENTS AT DAVIS-JOHNSON PARK” at 11 a.m. on Tuesday, June 8, 2010 in the Council Chambers at which time and place eight bids were opened and read aloud; and

WHEREAS, the Borough Engineer has recommended the award of the bid to **Conquest Industries, LLC**, 32 Woodland Avenue, Westwood, NJ 07675, to include the option for a porous paver walkway, as detailed in his letter to the governing body dated June 22, 2010, as attached hereto.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Tenafly, that the Contract for “ROSE GARDEN IMPROVEMENTS AT DAVIS-JOHNSON PARK” is hereby awarded to **Conquest Industries, LLC** for the amount of \$126,240.00; 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.

Councilman Lattif questioned what the Alternate Bid for storm drainage improvements near the Serpentine Road frontage of the park would provide to the Borough. Borough Administrator Thompson-Chin explained that it was her understanding that the Borough Engineer recommended rejecting the Alternate Bid due to the amount of funds available for this project. However, it was decided that Borough Administrator Thompson-Chin should speak to the Borough Engineer to obtain clarification on the Alternate Bid. It was agreed to table this item and consider it on the August 10<sup>th</sup> Public Meeting agenda.

AUDIENCE REMARKS ON NON-AGENDA ITEMS:

Mark Feldman, 133 Lylewood Dr., Tenafly, asked if there would be a special meeting on the Police Headquarters on July 21, 2010. He was told that the meeting had been scheduled, but they were still deciding on where to hold the meeting. He further questioned how the meeting was going to be advertised and he was told that it would receive the same publicity as any other meeting. He also inquired whether any information on the project would be available before the meeting. He was informed that the building plans are available for review in the Code Enforcement Office as well as the technical specifications and the cost estimates would soon be available. His final question was whether formal action would be taken at this meeting to which the governing body responded that there may be formal action.

Approved: August 10, 2010

Howie Seiden, 88 Willow Ln, Tenafly, stated that he attended three different fireworks shows in Bergen County, and in his opinion, Tenafly was by far the best. He praised those who put the show together. He also commended Borough Clerk Nancy Hatten for the work she has done for the Borough and wished her well.

Mayor Rustin asked Borough Administrator Thompson-Chin to send a thank you note to Garden State Fireworks.

#### MAYOR'S REMARKS

Mayor Rustin remarked that he and Councilman Warms are appointed to the Bergen County Community Development Program for the 2010-2011 term.

Mayor Rustin also recognized Borough Clerk Nancy Hatten and stated the following: "You have no idea how important Nancy Hatten has been to me personally over the last six years. Sitting up here with no experience at the very beginning, it was just phenomenal to have a resource such as Nancy close enough to kick me under the table if I was even thinking of doing anything out of line. That goes for outside of the meetings as well. She has been a true resource for myself, and I'm sure for everybody else here, as to how the process of municipal government works. Together with Joe, and now with Jewel, they have formed a team that I think we as elected officials in the town are very fortunate to have and I want to thank you very, very much for your service. Although I could not begin to present you with anything that really is an example of your work, on behalf of the governing body, this is from all of us." He presented her with a clock and read the inscription: "Presented to Nancy Hatten in grateful recognition of 28 years of dedicated service to the Borough of Tenafly."

Borough Clerk Hatten thanked the governing body for the clock and recognizing her "time" with the Borough.

#### 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. Lease of Borough Property-5 So. Summit Street
- B. Personnel
  - 1. Disciplinary Hearing/Elevator Sub-Code Official

It was determined that neither the Elevator Sub-Code Official nor Rob Silber was in attendance. Therefore, it was decided that this matter would not be discussed.

- 2. Finance Department Employee on Sick Leave/Status
- 3. Administrative Employee/Request for Family Medical Leave

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 10:32 p.m.

Respectfully submitted,

Nancy Hatten  
Borough Clerk