

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, August 10, 2010

PRESENT: Mayor Peter Rustin and Council members Anthony Barzelatto, Michael Lattif, Joseph McDermott, Patrick J. Rouse, and Jon Warms

ABSENT: Councilwoman Nadia LaMastra

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 Councilman Warms and unanimously carried,

RESOLVED that the Minutes of the Work Session of July 6, 2010, Public Meeting of July 13, 2010, Closed Session of July 13, 2010 (not for release), and Closed Session of August 2, 2010 (not for release) are hereby approved.

REVISIONS TO THE AGENDA – Borough Attorney McClure advised that a personnel matter concerning the performance evaluation of the Borough Administrator would be added to the Closed Session.

AUDIENCE REMARKS FOR AGENDA ITEMS:

Mark Feldman, 133 Lylewood Dr., Tenafly, expressed his opinion that the salary increase for non-union employees should be limited to a maximum of 2%. In addition, he asked the governing body to consider whether those in higher level positions should receive any increase. Mr. Feldman also questioned whether an overall evaluation of the Dean Drive Drainage Project would be conducted.

Conrad Blum, 89 Downey Dr., Tenafly, believes the fact that the Downey Drive sidewalk has been on the agenda for 10 years demonstrates that it is a bad and unpopular idea.

CORRESPONDENCE

A. Geelan/East Clinton Ave Re: Request/Waiver of Alarm Penalty
Motion by Councilman Rouse, second by Councilman Warms, that the request by Mr. Geelan on East Clinton Avenue for an alarm penalty waiver be denied.

B. F. Keen/Oak Ave Re: Senior and Disabled Residents
Borough Administrator acknowledged receipt of a letter from Mr. Keen requesting the governing body to take a stand for senior citizens and disabled residents who are at risk of losing their property tax rebates this year. All members of council voted in favor to approve Mr. Keen's request.

C. J. Horan/Knickerbocker Rd Re: Block Party on Buff/8-28-10
The governing body agreed that the request to hold a block party on Buff Road between Knickerbocker Road and Cambridge Road, Saturday, August 28, 2010, with a rain date of Sunday, August 29, 2010, is hereby approved.

Approved: September 14, 2010

- D. A. Liebowitz, Esq. Re: Block 1910 Lot 11 Right of Way
Borough Administrator acknowledged receipt of a letter from Mr. Liebowitz requesting to have an unnamed designated right of way deeded to the property owner. This request will be forwarded to the Borough Engineer for review.
- E. B. Lorenzo/Engle Street Re: Board of Adjustment lawsuit/defense of volunteer
Borough Attorney McClure advised that this item will be discussed in Closed Session under the legal matter, Rosdan vs. Borough of Tenafly, the litigation from which this letter arose.
- F. NJ DEP Re: Community Forestry Management
Borough Administrator Thompson-Chin acknowledged receipt of a letter from the NJ DEP offering a grant opportunity to promote community forestry. It was decided not to apply for this grant at this time.
- G. D. Hughes/Farmer's Market Re: Banner request/Washington Street
Mayor Rustin explained that this letter is a request from the Farmer's Market for permission to put up an advertisement banner. The governing body agreed to approve this request.

CONSENT AGENDA

- A. #R10-228/Approve August Expenditures
- B. #R10-256/Approve Refund/Tree Removal Mitigation Escrow/donation to Tree Replacement Trust Fund/188 Knickerbocker Road/\$2520 and \$2000.
- C. #R10-257/Introduce Ordinance No. 10-24/Land Development Regulations (LDR) Chapter XXXV, Article II, Section 35-201/Revise Definitions
- D. #R10-258/Introduce Ordinance No. 10-25/Revise Display Building Number Requirements/Chapter 10, Section 10-11 /Numbering of Buildings
- E. #R10-259/Introduce Ordinance No. 10-26/Amended Sign Ordinance/Chapter XIV/Signs/Amendments to various provisions
- F. #R10-260/Introduce Ordinance No. 10-27/Land Development Regulation (LDR)/Chapter XXXV, Article II Sec. 35-201 and Article VIII Sections 35-201 & 808/Revise Definition and Placement of Basketball Hoops in Front Yards
- G. #R10-261/Authorize Receipt of Bids for Rental of Borough-owned Property at 5 South Summit Street, Tenafly, NJ 07670.
- H. #R10-262/Approve Developer's Agreement/Major Soil Movement/108 Buckingham Road
- I. #R10-263/Adopt and Distribute Resolution Supporting the Implementation of the Governor's "Tool Kit" in response to the 2% Tax Levy CAP.
- J. #R10-264/Approve Agreement with Bergen County/Aquatic Chair Lifts
- K. #R10-265/Approve Dean Drive Drainage Project Closeout and Final Change Order
- L. #R10-266/Authorize Submission of NJDOT Municipal Aid Application: due August 13 via SAGE
- M. #R10-267/Approve Revised Lighting Policy on Municipal Field
- N. #R10-268/Approve Refund/Tax Title Lien TTL08-5 and TTL09-2
- O. #R10-269/Approve Refund/Street Opening Bonds/Permit No. 1048
- P. #R10-270/Approve Refund/Cancelled Street Opening Bonds/Permit No. 1069
- Q. #R10-271/Approve Raffle App #973/Englewood Hospital/Sept. 14, 2010 and App #974/St. Thomas Armenian Church/October 24, 2010
- R. #R10-272/Reject current bids and authorize re-bid of ERT vehicle for Police Department
- S. #R10-273/Revise Depositories of Borough Funds

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

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

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

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

Approved: September 14, 2010

8:00 P.M. – PUBLIC HEARINGS

A. Ordinances

1. Ordinance No. 10-23/Light Rail Ballot Question –

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

AN ORDINANCE AUTHORIZING A NON-BINDING MUNICIPAL REFERNDUM ON THE PROPOSAL TO EXTEND PASSENGER RAIL SERVICE TO 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 Tuesday, July 13, 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, August 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.

Johanne Gambrill, 15 Ravine Rd., Tenafly, expressed her opinion that the Transportation Committee members appear to be in favor of the Light Rail. She believes that the committee should be made up of members with more diversified opinions particularly when the residents of the community have twice voted against having a Light Rail. She also objected to this issue being addressed in August when many residents are away on vacation.

Howie Seidan, 88 Willow Ln, Tenafly, Chair of the Transportation Committee, stated that because there is no DEIS, he is not for or against this project. He further explained that he was against having a non-binding referendum question because he did not feel that it would be useful.

Marilyn Katz, 20 Brook Rd, Tenafly, questioned how the governing body planned to inform the public about the Light Rail issue. She was told that the November newsletter featuring a section dedicated to the Light Rail is expected to be sent out a week prior to the election.

Mayor Rustin again recognized Councilman McDermott:

#R10-274/Consider Adoption of Ordinance No. 10-23

Motion by Councilman McDermott, second by Councilman Rouse

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

AN ORDINANCE AUTHORIZING A NON-BINDING MUNICIPAL REFERNDUM ON THE PROPOSAL TO EXTEND PASSENGER RAIL SERVICE TO 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 Barzelatto expressed his opinion that they should not have a referendum question placed on November's ballot. He stated that NJ Transit has the ability to institute the Light Rail despite the opinion of Tenafly resident. In addition, he does not believe that there is enough information from NJ Transit to have a referendum.

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

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

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received an award and asked Borough Administrator to provide more information on this award. She explained that the Borough was one of ten communities selected to receive a \$10,000 grant from the NJ Sustainable Small Grant Program. This grant will allow the Borough to update their natural resource inventory.

Councilman Warms

Tenafly Presents!: Mr. Warms reported that they had their first concert at Davis-Johnson Park on Saturday and it was very well-attended. He announced that Carolyn Enger, pianist, will be performing in the Garden Room on Thursday at 7:30 pm and Michael Fennelly and Megan Weston will be performing outdoors on Friday at 6:30 pm.

Nature Center: Mr. Warms announced that on September 25, the Nature Center will be holding its Wine Tasting and Music Under the Stars program. This event will include organic beer and wine presented by Wine Ventures and live music by the Jazz Doctors.

Councilman Barzelatto

Mr. Barzelatto noted that Youth Services will have a group at the Barclays to help raise funds for the Youth Center.

Tenafly Fire Department, with assistance from Englewood, Dumont, Cresskill, Teaneck and Fort Lee, responded to a fire at the Demarest Building on Piermont Road in Tenafly. Mr. Barzelatto commended the Fire Department for an excellent job in saving the building.

OLD BUSINESS

- A. #R10-242/Aware Bid for Improvements to Rose Garden at Davis-Johnson Park (Tabled at July 13 Meeting)

Motion by Councilwoman Rouse, 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, August 10, 2010.

WHEREAS, Capital Ordinance 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”; and

WHEREAS via Resolution #10-171 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.

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

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

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B. Downey Drive Sidewalk

Mayor Rustin explained that he was asked to meet with the Board of Education to discuss the Downey Drive sidewalk. Due to scheduled vacations for those involved, he stated that he was not able to schedule the meeting until the end of August. He plans to have a report for the Council at the September 7 Work Session. On behalf of Councilwoman LaMastra, Councilman Lattif asked that a letter be sent to the Board of Education outlining the purpose said meeting. This letter will begin documentation of the discussions and decisions that are made on this topic.

NEW BUSINESS

Mayor Rustin recognized Councilwoman Rouse:

A. #R10-276/Appointment of Borough Clerk

Motion by Councilman Rouse, 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, August 10, 2010.

WHEREAS, Nancy Hatten has retired as Borough Clerk of the Borough of Tenafly effective July 30, 2010, and creates a vacancy in this statutory title; and

WHEREAS, N.J.S.A. 40A:9-133.a states "In every municipality there shall be a municipal clerk appointed for a three-year term by the governing body of the municipality;" and

WHEREAS the Mayor and Borough Council have conducted an exhaustive search of qualified candidates to fill this vacancy; and

WHEREAS, to this end the Governing Body created a Search Committee made up of the Mayor, two Council members, the Administrator, and the former Clerk; and

WHEREAS, both the Search Committee and the entire Governing Body conducted resume and supplementary submission reviews and conducted screening and formal interviews, and conducted reference and background reviews; and

WHEREAS, this recruitment and selection process has resulted in the final selection of the most qualified and appropriate of the candidates for the position.

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Tenafly in the County of Bergen that it does hereby appoint Lissette Aportela-Hernandez, 333 Willow Street, Teaneck, NJ in accordance with N.J.S.A. 40A:9-133.a to the position of Borough Clerk in the Borough of Tenafly at the annual salary of \$80,000 effective September 1, 2010.

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

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

AUDIENCE REMARKS ON NON-AGENDA ITEMS:

David Simpson, 12 Woodland Park Dr., Tenafly, brought up the topic of the Emergency Response Team Vehicle and questioned whether a study had been conducted as to the type of equipment that other communities with a similar population, demographic, and tax base have and how much they have spent on said equipment. He also criticized the governing body for the ease with which they adopted a position on the income tax surcharge. He then questioned whether the Police Expansion Project is going to be built in a flood zone. He was informed that permission was given by the DEP to build in that location.

Bill Saunders, 5 Tenakill Park Dr., Cresskill, formerly of 20 Wight Pl., Tenafly, thanked the Borough Attorney for providing an answer as to why his badge had been confiscated and revoked. Mr. Saunders was informed that since Chief Bruno has taken over as Police Chief, no members of the Police Commission have received badges.

Mark Feldman, 133 Lylewood Dr., Tenafly, questioned when the meeting between the Board of Education and Mayor Rustin would take place. He was informed that the Mayor is meeting only with the President, Superintendent, and Administrator and the meeting will be taking place on August 24, 2010.

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Steven Greene, 103 Hillside Ave, Tenafly, stated that the Kiwanis Club of Tenakill has been formed. On August 5, officers were named and the next meeting is August 26, 2010. They will charter at the end of September and invite the public to attend.

David Simpson, 12 Woodland Park Dr., Tenafly, again questioned whether study had been conducted on the Emergency Response Team vehicle.

MAYOR'S REMARKS

None.

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. Rodsan vs. Borough of Tenafly, Tenafly Board of Adjustment, et al.
- B. Personnel
 - 1. 2010 Salary increases for Non-represented employees
 - 2. Performance Evaluation Process for the Borough Administrator

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 Councilman McDemott, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 9:01 p.m.

Respectfully submitted,

Jewel Thomspen-Chin
Acting Borough Clerk