

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, November 9, 2010

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

ABSENT: None

ALSO

PRESENT: Borough Administrator Jewel Thompson-Chin
Borough Attorney William R. McClure

At 7:49 p.m. 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 C. Lattif, second by C. Warms and unanimously carried,

RESOLVED that the Minutes of the Closed Session of October 12, 2010 (not for release), are hereby approved.

REVISIONS TO THE AGENDA – Borough Attorney McClure advised the item 7A under correspondence was being removed and Ordinance 10-31 involving ADA Committee Membership would be added for introduction under New Business.

AUDIENCE REMARKS FOR AGENDA ITEMS:

None

CORRESPONDENCE

A. ~~Aguilar/605 Knickerbocker Road~~ ————— ~~Re: Mobile Home Parking~~

CONSENT AGENDA

- A. **#R10-367**/Approve November Expenditures as of November 3, 2010
- B. **#R10-368**/Approve Refund/Tree Mitigation Escrow/60 Jefferson Avenue/\$600.00
- C. **#R10-369**/Authorize Purchase Recycling Containers from T.M. Fitzgerald & Associates, Inc. for the Department of Public Works in the amount of \$21,870.00
- D. **#R10-370**/Award Contract – Lease of Temporary Trailers

Motion by C. LaMastra, second by C. McDermott that the Consent Agenda, be approved.

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

C. Barzelatto:	aye	C. McDermott:	aye
C. LaMastra:	aye	C. Rouse:	aye
C. Lattif:	aye	C. Warms:	aye

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

PUBLIC HEARINGS

A. Ordinances – None

B. Other: Special Improvement District Assessment

Mayor Rustin opened the public hearing.

James Elias, 36 Prospect Terrace, stated that he owns a business located at 25 Central Avenue. He questioned how the Council determined the list of properties to receive this assessment as he felt some properties are missing. Borough Attorney McClure responded that the boundaries of the SID were defined and the assessor determined the list of properties that fell within the geographic area and met the description. He explained that although all properties within the geographic area are in the SID, only those properties that fit the description are subject to the assessment. Mayor Rustin asked Mr. Elias which properties are not included that he felt should have been on the list and Mr. Elias pointed out that D&C Body Shop and Tenafly Rifle & Pistol Club were not found on this list. He was told that the governing body would look into why these properties were not included. Mr. Elias then stated that the Special Improvement District Assessment is unconstitutional and should be rescinded.

Robin Brown, Marcotte Lane, Bergenfield, stated that she owns a several business in Tenafly and remarked that she is a part of the lawsuit to revise the list of BID properties. She stated that until last week where a basis for billing was provided, there has not been a clear-cut cost to business owners. She asked many questions such as whether a mission statement would be provided, why there is a plan to hire a full-time director at \$50,000/year, why the signage is budgeted for \$25,000, and whether any excess funds would be refunded or be used towards next year's budget. She also questioned why the total budget was not divided equally among all business owners. She finished by expressing her opinion that no one is against the BID, but it should not be a financial burden to businesses whose taxes are rising at a higher rate than rents are able to be increased. The Mayor requested a copy of her statement so it could be copied to the BID.

Johanne Gambrell, 15 Ravine Road, expressed her opinion that there should be a BID meeting prior to bills being sent out to discuss what will happen and to provide specifics about what will be improved.

Barry Honig, 151 Deerfield Drive, stated that he owns a business at 15 Central Avenue. He inquired whether this tax is based on the current property assessment or the new assessments determined during the revaluation that took place this year. He also questioned how the town can levy a tax on current assessments when values have dropped 20-30%. He expressed his opinion that there should be a town meeting providing a cost-benefit analysis.

Mayor Rustin responded that this process has taken over 2 years and there have been meetings every step of the way. He remarked that the response from most business owners had been positive up until this point. C. LaMastra added that all of the BID meetings are public and were noticed at the beginning of the year. Mayor Rustin stated that the position and salary for the Director were approved by the Board and all aspects of the budget were considered at public meetings.

Borough Attorney McClure addressed the issue of the BID impound being based on the older assessment and explained that fact is not really relevant; all assessments are either over-assessed or under-assessed at the same percentage of market value.

Martha Kerge, 40 Hillside Avenue, pointed out that the town is currently under-assessed with the current assessment being a percentage of market value.

Scott Porter, 102 Serpentine Road, stated that he is the Vice President of the BID. He explained that the original budget was in the amount of \$300,000 but the committee worked to reduce it to \$112,000. He urged the Council to support the BID and move forward with this process.

Mayor Rustin recognized C. LaMastra.

#R10-371/Confirm Special Improvement District Assessment.

Motion by C. LaMastra, second by C. Lattif:

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby confirms the Special Improvement District Assessment of \$.036982/\$100 Assessed Valuation placed on properties in the Special Improvement District; and

BE IT FURTHER RESOLVED that a certified copy of this resolution and the list of properties in the Special Improvement District be forwarded to the Bergen County Board of Taxation.

C. McDermott remarked that at the public hearing for the BID budget, the majority of the people who spoke were not in favor of the BID. He stated that he voted for it then and would vote for it again now. However, he believes that there needs to be cohesion so that all businesses receive an equal benefit.

C. LaMastra expressed her opinion that most of the confusion among business owners in the community has come from a lack of communication. She explained that the BID is made up of 8 or 9 volunteers who have no access to funds and as a result, there has not been any outreach. She stated that the BID is sending a letter along with the bills that asks for contact information.

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

C. Barzelatto:	abstain	C. McDermott:	aye
C. LaMastra:	aye	C. Rouse:	aye
C. Lattif:	aye	C. Warms:	aye

COMMITTEE REPORTS

Councilman Barzelatto Mr. Barzelatto reported that the Tenafly Fire Department responded to a 3-alarm fire in Englewood.

Councilman Warms None

Councilman McDermott None

Councilman Rouse Mr. Rouse announced that the Library Board had two meetings with the union to discuss contract negotiations. He also reported that circulation in October 2010 was 19,450; circulation in October 2009 was 17,726, with an increase of approximately 10%.

TVAC answered 62 calls for emergency medical care and responded to 1 mutual aid call from Cresskill and 2 from Englewood.

Police: Mr. Rouse reported that there were 9 burglaries in which 1 arrest was made, 400 motor vehicle accidents due to driver inattention, and 15 arrests. Mr. Rouse announced that Chief Bruno has given presentations to schools about school violence and emergency drills.

Councilman Lattif Senior Advisory Committee will meet at 8:30 a.m tomorrow.

Councilwoman LaMastra The Welcome Committee is discussing whether the Welcome Packet should be made electronic as publication is very time consuming and member participation is very low.

Recreation Board met last night. They reviewed the Chief Bruno's letter regarding fingerprinting. Because of concern that this type of background check will cause a drop in volunteer coaches, the

Board will be submitting a letter to the governing body to request a change in the ordinance to allow them to instead use a database search. There was also discussion about the construction of the restroom and concession stand. Because bids came in much higher than budgeted amount, they are going to seek out volunteers in the community.

The BID's next meeting is scheduled for November 15th at 6:30 p.m. in the Council Chambers.

OLD BUSINESS

A. BID Assessment Billing

C. LaMastra questioned whether the BID assessment bill can be divided into two payments instead of one lump sum. She is concerned that it will be burdensome to business owners to have such a large amount due on such short notice. Borough Attorney McClure that the billing procedure is set forth in the ordinance. He explained that this year was an odd year due to the lawsuit. There would be plenty of time in the normal scheme for everything to be done as their budget would be submitted at the end of the year giving the Council time to review and approve it. He stated that the bill would normally go out with regular tax bill in July.

B. September 28, 2010 Clinton Auto Body Allegations

C. LaMastra asked for an update on the allegations brought forth by Clinton Auto Body against the Building Department. Borough Administrator explained that the allegations date back to 2006 and she has received a response for each. She has scheduled a meeting with Mr. Obernauer where he will have the opportunity to review these responses and she will provide Council with a report with the results of said meeting.

C. Dean Drive Drainage Problems

C. LaMastra stated that there was severe flooding on Dean Drive with the storm that occurred on 10/12. She felt it was due to the detention basin not holding water and was concerned that with such a big expenditure on this project, there should be better results. Mayor Rustin responded that he had spoken to the Borough Engineer and he was told that the flooding was due to the storm being very short and intense. He explained that flooding from this storm occurred everywhere where there is a drainage problem. C. LaMastra asked that the Engineer investigate the root cause of the flooding and attend the next Work Session to report to the Council.

NEW BUSINESS

A. Introduction of Ordinances

Motion by C. Rouse that the following ordinances be introduced and passed on first reading and setting November 23, 2010 at 8:00 p.m. or as soon thereafter as the matter can be heard as the date and time and the Council Chambers of the Tenaflly Municipal Center as the place for a hearing on said ordinances.

ORDINANCE NO. 10-29 - AN ORDINANCE TO AMEND CHAPTER II, SECTION 2-23 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED "DEPARTMENT OF FINANCE"

ORDINANCE NO. 10-30 - AN ORDINANCE AMENDING CHAPTER II, SECTION 2-47.3 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY ESTABLISHING THE QUALIFICATIONS FOR MEMBERSHIP IN THE TENAFLY FIRE DEPARTMENT

ORDINANCE 10-31 - AN ORDINANCE AMENDING CHAPTER II, SECTION 2-59.2a OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY SETTING FORTH THE COMPOSITION OF THE ADVISORY COMMITTEE FOR THE DISABLED

Seconded by C. Lattif

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

C. Barzelatto:	aye	C. McDermott:	aye
C. LaMastra:	aye	C. Rouse:	aye
C. Lattif:	aye	C. Warms:	aye

C. Barzelatto expressed his opinion that the Council did a good job with the budget despite comments during the election to the contrary. He pointed out that the November 7th *Bergen Record* reported that Tenafly had only a 0.6% increase and he felt that the Council should be commended for their work on the budget.

AUDIENCE REMARKS ON NON-AGENDA ITEMS:

Martha Koven, N. Summit Street, applauded the Mayor's prompt response to the majority votes cast in opposition to the Light Rail. She expressed her hope that all members of the Council would support the Mayor in sending a letter to Governor Christie. She stated that the Light Rail would be a disaster for Tenafly. C. Barzelatto responded that he is not for or against the Light Rail at this time. He is waiting for the DEIS before making his determination.

Tamara Lazarovici, 35 Franklin Street, expressed her concern over the installation of a T-Mobile cell tower 200 feet from her bedroom. She feels that it would be big, ugly, and dangerous and is asking the governing body to join her fight against the installation of the cell tower. Mayor Rustin responded that placing a cell tower anywhere but behind the high school requires going before the Board of Adjustment. He explained that most denials in the past have been overturned by court decisions. Borough Attorney McClure advised that the Board of Adjustment first needs to make a decision to grant a variance. He explain that the Board of Adjustment may deny T-Mobile and T-Mobile would have to decide whether to take the Board of Adjustment to court.

Barry Honig, 151 Deerfield Drive, addressed C. Barzelatto's comments regarding the article in the *Bergen Record*. He stated that it was unclear what modeling methodology the *Bergen Record* used and he does not believe that Mr. Barzelatto is right to think that the Council did so well. Mr. Honig expressed his concern that the Council has had to make multiple requests for answers in regard to the Borough Engineer as well as the Clinton Auto Body issue. He feels the administration should provide answers more promptly and Council should be kept informed on a timely basis.

MAYOR'S REMARKS

The Mayor stated that the Council received a letter from Lubavitch requesting permission to place a menorah in Huyler Park. On a motion by C. LaMastra, second by C. Warms this request is hereby approved.

CLOSED SESSION

None

There being no further business to come before the Council, on a motion from C. Rouse, second by C. LaMastra, and all present voting in favor, the meeting was adjourned at 9:16 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez
Borough Clerk