

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, OCTOBER 16, 2012

PRESENT: Mayor Peter Rustin and Council members Anthony Barzelatto (arrived at 7:52 p.m.), Martha Kerge, Nadia LaMastra, Jon Warms, and Mark Zinna

ABSENT: Council member Barry Honig

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 Record, Suburbanite, and 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. Kerge, second by C. Zinna, and all other members voting in favor,

BE IT RESOLVED that the Minutes of the September 4, 2012 Work Session, September 4, 2012 Closed Session (not to be released), September 11, 2012 Public Meeting, September 27, 2012 Work Session, September 27, 2012 Public Meeting, October 9, 2012 Closed Session (not to be released), and October 9, 2012 Work Session are approved.

Mayor Rustin commended the Borough Clerk's office for getting the Minutes completed so quickly.

REVISIONS TO AGENDA:

None.

AUDIENCE REMARKS FOR AGENDA ITEMS:

Mayor Rustin advised that he would also allow public comment on the Tenafly Nature Center.

Gerald Nigro, 5 Stonybrook Road, commented that it is alarming that the Council is moving ahead with the Nature Center proposal without public participation. He advised that there are volumes of information in the Library on Green Acres and urged the Council to read through that information. He pointed out that back in 1974, there had been a referendum question to gauge public opinion.

Mayor Rustin assured Mr. Nigro that there is no intent to brush the public aside and the Council is following a process that is transparent and open to discussion. He advised that there are 220 acres set aside for the public and the public uses less than 10 acres. He noted that the Nature Center is looking to build a state-of-the-art, environmentally-friendly building.

Mr. Nigro expressed that he would be happy to support the building if it were being placed where he thought. He explained that by placing the building on that tract, it will be breaking the bonds of Green Acres and once first approval is gained, any educational or recreational facility can be built, causing the essence of Green Acres to be lost.

William Kelly, 24 Midwood Road, expressed his opinion that Council is moving in wrong direction and the idea of placing the building on East Clinton is a mistake. He believes that an all glass building is an accident waiting to happen. He proposed tearing down the existing facility and placing the new building at that site.

Tom Nigro, 5 Stonybrook Road, noted that no business plan has been put forward and commented that he would be supportive if the Nature Center can demonstrate that the new

facility would be a self-sustaining operation. He explained that his main issue is the fact that the Nature Center is proposing to build on the Blankman property as the intended purpose was to have it lie in as natural a state as possible. He pointed out that there are 14 acres at the top of Highwood that can be used for recreational purposes. He questioned why the public is only finding out about this idea now when it has been under discussion for years.

Mayor Rustin responded that the Council is not going to spend any taxpayer money on this project. He advised that there have been no discussions between the Council and Nature Center privately. He expressed his opinion that the Nature Center did its due diligence by getting approval from the DEP and Green Acres first. He assured the public that they will have ample opportunity to provide their input.

Johanne Gambrell, Ravine Road, advised that she attended the BID meeting last night and was disturbed that they are sending out flyers to the stakeholders on the nominating process even though neither the ordinance nor the bylaws have been approved. She learned that the flyers will not be sent to the business owners who rent and commented that she is bothered by the lack of transparency. She pointed out that there is no mechanism to ensure that business owners who rent will have any say and feels that this ordinance is eliminating having a mix of people who occupy the board.

Quentin Kennedy, Old Smith Road, advised that he has been a resident for over 50 years. He expressed his opposition to the Nature Center proposal as he is concerned about financing and the fact that there will be continuing expenses. He expressed his hope that Council has an operating plan for the future. He questioned whether there would be a need for additional paid employees and if revenue will be sufficient to pay for the additional salaries.

Mayor Rustin responded that none of the Nature Center employees are Borough employees. He advised that the Nature Center has been informed that there would be no additional funds from the Borough and it questionable whether the Borough will be able to continue to fund them at the current rate due to the 2% cap. He suggested that the public bring their concerns to the Nature Center Board of Trustees.

CONSENT AGENDA:

#R12-368/Approve Expenditures as of October 10, 2012.

#R12-369/Authorize Street Opening Bond Refund/Uri Rapaport Construction

#R12-370/Authorize Tree Mitigation Escrow Refund/28 North Browning Avenue

#R12-371/Support S180 – A640/Amend Megan’s Law

#R12-372/Authorize Engineering Escrow and Soil and Road Bond Refunds/28 North Browning Avenue

#R12-373/Authorize Engineering Escrow and Soil and Road Bond Refunds/20 Mountain Road

#R12-374/Authorize Engineering Escrow and Soil and Road Bond Refunds/85 Sunset Lane

#R12-375/Authorize Engineering Escrow Refunds/134 Essex Drive

#R12-376/Award Contract/Beyer Bros. Corp/DPW Garbage Truck

#R12-377/Authorize Change Order/Marini Brothers Construction Company/ Sidewalk Installation on Downey Drive and Thatcher Road

#R12-378/Authorize Tree Mitigation Escrow Refund/60 Depeyster Avenue

#R12-379/Authorize Tree Mitigation Escrow Refund/111 Oxford Drive

#R12-380/Authorize Tree Mitigation Escrow Refund/124 Essex Drive

#R12-381/Authorize Tree Mitigation Escrow Refund/90 Magnolia Avenue

#R12-382/Authorize Tree Mitigation Escrow Refund/10 Benjamin Road

#R12-383/Authorize Permit Refund/Pro General Contracting, LLC

#R12-384/Authorize Acceptance of Grant from the Bergen Joint Insurance Fund for Accreditation Services and Execution of a Grant Agreement

#R12-385/Approve Raffle Applications RA1028 and RA1029

#R12-386/Approve Submission of Grant Application and Execution of Grant Contract with the NJ Department of Transportation for the Tenafly Road Roadway Improvements (Section 3) Project

#R12-387/Authorize Board of Adjustment Refund/8 Floral Terrace

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

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

C. Barzelatto:	aye	C. LaMastra:	aye
C. Honig:	absent	C. Warms:	aye
C. Kerge:	aye	C. Zinna:	aye

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

PUBLIC HEARINGS

ORDINANCE NO. 12-14:

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on September 27, 2012, and posted on the bulletin board of the lobby of the municipal center.

ORDINANCE NO. 12-14 - AN ORDINANCE TO CREATE SECTION 3-15, ENTITLED "FAIRNESS IN BOROUGH CONTRACTING," OF CHAPTER III OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY

Public Comments on Ordinance 12-14.

No one came forward.

Motion by C. Zinna, second by C. LaMastra that Ordinance 12-14 be passed on 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:

C. Barzelatto:	aye	C. LaMastra:	aye
C. Honig:	absent	C. Warms:	aye
C. Kerge:	aye	C. Zinna:	aye

COMMITTEE REPORTS:

Councilman Warms

Mr. Warms reported that there will be a Street Fair on Saturday, October 20th and Sunday, October 21st from 1 p.m. until 5 p.m. along Washington Street and W. Railroad Avenue. It will feature 70 outside vendors as well as local vendors.

The Nature Center will have its Haunted Forest event on Sunday, October 21st from 5 p.m. until 9 p.m.

Councilman Barzelatto

Mr. Barzelatto advised that he had a very productive Emergency Management meeting several weeks ago with Chief Bruno, Mount Carmel, the JCC, and the Clinton Inn Hotel to discuss resources in the event of a disaster. He believes that the meeting was a great starting point and there will be more meetings to follow.

Councilwoman LaMastra

Ms. LaMastra attended the Welcome Committee met and reported that 21 residents picked up welcome books in September and there was a total of 23 new resident families in September, 40 in August, and 62 in July. She advised that they meet twice a month to keep up with the demand for welcome books and she applauded their efforts.

The Recreation Board met and there was a report by Youth Soccer that they had 804 children participate with 141 coaches. The board also discussed fingerprinting. There are only 200 vouchers left from the Meghan Khanka Foundation and once those are used, the fee will be \$40 per coach annually. Soccer had a family night during which 132 families went to a Red Bulls game.

During audience remarks, the board was asked to consider putting in a handball court and offering second grade travel basketball. Final recommendations on co-sponsorship will be heard before the end of the year. There is a push to have lacrosse come into the community. Fencing had one whole section fill up and have opened a second section. The Bike Rodeo was held this past weekend in conjunction with the Police Department. The Halloween Parade will be held on October 27th at the Middle School.

The BID met yesterday and an initial draft letter to the business owners has been prepared. Ms. LaMastra explained that if the ordinance is passed and the BID is going to hold an election, it is necessary to advise business owners that they are part of the process to nominate and encourage them to speak to their tenants. C. Kerge questioned whether the landowners or business owners would receive said letter. Ms. LaMastra responded that it would be the property owners, but the property owners are being encouraged to nominate their tenants for the board. There was a presentation on signage and branding which included gateway, directional, and parking signs. The BID will be presenting a proposal to the governing body. A brochure for those who are interested in renovating commercial properties is being created to be placed in the Building Department and given to realtors for distribution. The BID will also be requesting a loosening of parking restrictions for the holiday season. Mayor Rustin questioned why the Council doesn't simply implement the loosened parking restrictions on commuter lot after 10 a.m. Council decided to place this topic on the October 30th Public Meeting agenda for action.

The Police Commission met yesterday. Three officers are on light duty. Lt. Klein was involved in a motor vehicle accident yesterday. Borough Administrator Thompson-Chin advised that he did not suffer from any serious injuries, but has a considerable amount of bruising and muscular pain. Ms. LaMastra advised that the new dispatcher is starting on October 22nd and the new Records Clerk has already started. Since the last Police Commission meeting in May, there were 183 motor vehicle accidents, 30 thefts, 2 stolen vehicles, 16 vandals, 27 identity thefts, 11 commitments, 12 drug arrests, 3,000 motor vehicle stops, and 2,000 tickets issued. Mayor Rustin pointed out that Chief Bruno has done a wonderful job in moving people around to minimize overtime, but has advised that the budgeted amount for overtime will be exceeded. Chief Bruno has also made the Police Commission aware that services have been affected by these staffing issues, particularly the Traffic and Detective Bureaus.

Councilman Zinna

The Chemical Awareness Program met last night and the discussion centered around prescription drugs. They are working to get a permanent drop box for prescription drugs, but need approval through the DEA. They would like to have a section in the next newsletter about the program and are trying to restart Safe Ride Program on Friday and Saturday nights.

Councilwoman Kerge

Ms. Kerge advised that the Library Board and Board of Adjustment met last evening, but she was unable to attend either meeting due to no spaces being available in the parking lot. She spoke with the Board of Adjustment secretary and learned that the Farley application was deferred to the December meeting, three applications were approved, and one was denied.

C. Kerge expressed her opinion that something needs to be done about the parking situation and questioned how much longer the Police Department will be using the parking spaces towards the back of the lot. Mayor Rustin responded that those spaces are designated for Police personnel. Council asked that there be a meeting between Chief Bruno, Borough Administrator Thompson-Chin, and the DPW Director to look into this issue.

OLD BUSINESS:

None.

NEW BUSINESS:

Introduction of Ordinances

C. Warms moved to introduce and pass on first reading Ordinances 12-16 and 12-17 and setting October 30, 2012 at 8:45 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. Seconded by C. Zinna:

Borough Clerk read the ordinance into the record:

ORDINANCE NO. 12-16 - AN ORDINANCE AMENDING CHAPTER XXIX, SECTION 29-8 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY CREATING AND DEFINING A SPECIAL IMPROVEMENT DISTRICT IN THE BOROUGH OF TENAFLY

ORDINANCE NO. 12-17 - AN ORDINANCE VACATING AN UNIMPROVED PORTION OF PHELPS AVENUE LOCATED ADJACENT TO LOTS 11 AND 12 IN BLOCK 714 AS SHOWN ON THE OFFICIAL MUNICIPAL TAX MAP OF THE BOROUGH OF TENAFLY

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

C. Barzelatto:	aye	C. LaMastra:	aye
C. Honig:	absent	C. Warms:	aye
C. Kerge:	nay	C. Zinna:	aye

AUDIENCE REMARKS FOR NON-AGENDA ITEMS:

None.

MAYOR'S REMARKS:

Mayor Rustin advised that he attended a Mayor's Breakfast and there was discussion about OPRA. The mayors are up in arms because of the cost to municipalities associated with meeting the requirements of OPRA. Municipalities are now only permitted to charge a few cents per page when requests may require hours of work for employees. Mayor Rustin asked anyone in contact with Senator Weinberg to make her aware of the burden that the OPRA requirements are placing on municipalities.

Mayor Rustin then commented on the conditions of Tenaflly's roads and explained that he is asking the Borough Engineer and DPW Director to look at a different process of coating the roads which protects them up to 20 years and appears to be very effective. He advised that he will ask the Borough Engineer to make a presentation to Council. C. LaMastra expressed her concern over the amount of street openings being done by PSE&G and United Water. She suggested putting stricter requirements on their patching.

Mayor Rustin advised that he attended a debate between the two Congressional candidates for this district. He remarked that it was lively with a relatively packed house.

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 12-388

BE IT RESOLVED in compliance with NJSA 10:4-12, the Mayor and Council of the Borough of Tenafly are going into Closed Executive Session to discuss the following matters:

- A. Personnel
 - 1. FMLA Updates
 - a. Department of Public Works
 - b. Recreation Department

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 C. Kerge, seconded by C. Barzelatto, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 9:00 p.m.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. Zinna, second by C. Kerge, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:18 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk