

# Borough of Tenafly

## MAYOR AND COUNCIL

### MINUTES

**THURSDAY, NOVEMBER 1, 2012**

PRESENT: Mayor Peter Rustin and Council members Anthony Barzelatto, Barry Honig, Martha Kerge, Nadia LaMastra, Jon Warms, and Mark Zinna

ABSENT: Council member Kerge

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

At 8:44 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. LaMastra, second by C. Zinna, and all other members voting in favor,

BE IT RESOLVED that the Minutes of the October 16, 2012 Public Meeting and the October 16, 2012 Closed Session (not to be released) are approved.

#### REVISIONS TO AGENDA:

None.

#### PUBLIC COMMENTS:

Johanne Gambrill, Ravine Road, commented that there was a long line for gas and questioned why the odd/even system could not be put into place as was done in the 1970s. She noted that children did trick or treat to the businesses on Washington Avenue on Halloween and commented that the businesses were wonderful. She questioned how the message about the parking lot changes will be communicated to the businesses as very few businesses are a member of the Chamber of Commerce and the BID has claimed that it does not know how to communicate the minutes to the businesses. She asked for a status on the polling places.

Mayor Rustin advised that they are planning to do a Reverse 911 to notify the public about the polling places and asked the Borough Clerk whether a notice can be placed in the newspaper. Borough Clerk Aportela-Hernandez explained that she will be finalizing the changes with the County tomorrow and if necessary, she will place a notice in Sunday's paper. Council also requested that signage be placed at the normal polling places to inform residents of any changes.

#### CONSENT AGENDA:

**#R12-389**/Approve Expenditures as of October 24, 2012.

**#R12-390**/Authorize Tree Mitigation Refund/221 Churchill Road

**#R12-391**/Authorize Street Opening Refund/46 Forest Road

**#R12-392**/Authorize Dog License Refund/47 Columbus Drive

**#R12-393**/Oppose S-1534 & A-2586/Exempting Private Universities from the Municipal Land Use Law

**#R12-394**/Authorize Recreation Refunds/Various

**#R12-395**/Award Contract/Train Station Lighting Improvements/Facility Services Group

**#R12-396**/Approve Raffle Applications RA1030-1032

**#R12-397**/Authorize Change Order/ Smith-Sondy Asphalt Construction/ 2012 Road Resurfacing Project

**#R12-398**/Accept Tenafly United Soccer Club Proposal/Practice Soccer Facility

**#R12-399**/Authorize Refund/Tax Court Judgment/Knickerbocker Country Club/2008 & 2011

**#R12-400**/Suspend Permit Restrictions/Commuter Lots from 10am – 6pm on Monday through Saturday/November 1, 2012 – December 31, 2012

**#R12-401**/Approve Consent to Developers Agreement/Community Synagogue of Tenafly and Englewood

**#R12-402**/Authorize Execution of Settlement Agreement and Release/Civil Action Number 2:10-cv-05050-DMC/JAD

Motion by C. LaMastra, second by C. Zinna that the Consent Agenda be approved (as amended).

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

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

All members present voting in favor, the Consent Agenda was approved (as amended).

## **PUBLIC HEARINGS**

### **ORDINANCE NO. 12-13:**

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on September 11, 2012, and posted on the bulletin board of the lobby of the municipal center.

ORDINANCE NO. 12-13 - AN ORDINANCE AMENDING CHAPTER XXXV, SECTION 35-815 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY PROVIDING SUPPLEMENTAL REGULATIONS FOR AGE-RESTRICTED HOUSING; ASSISTED LIVING AND/OR CONGREGATE CARE HOUSING; AND NURSING HOMES.

Public Comments on Ordinance 12-13.

No one came forward.

Motion by C. Zinna, second by C. Honig that Ordinance 12-13 be passed on second and final reading and are 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:	aye	C. Warms:	aye
C. Kerge:	absent	C. Zinna:	aye

### **ORDINANCE NO. 12-16:**

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on October 16, 2012, and posted on the bulletin board of the lobby of the municipal center.

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

Public Comments on Ordinance 12-16.

Johanne Gambrill, Ravine Road, noted that there are no restrictions in terms of where one has to live in order to become a Class C or D member, which could allow 8 members who do not live in Tenafly to sit on the board. She criticized the fact that there is not anything in the bylaws to ensure that business owners who rent will have seat at table. She pointed out that businesses are working as fast as they can after this storm and are performing a great service for this community.

Motion by C. LaMastra, second by C. Zinna that Ordinance 12-16 be passed on second and final reading and are hereby adopted and notice of same shall be published according to law.

C. LaMastra noted that the current board has not been able to be fulfilled with all of its members because of the restrictions on where one has to live. She advised that the proposed revisions will allow a diverse population to sit on board. She believes that to place the power in hands of those who will pay the tax is the fairest way. She pointed out that the BID cannot make dramatic changes without coming before governing body and their budget needs to be approved. She also commented that the meetings are open to the public and business owners and tenants are welcome to attend.

C. Honig stated that although he supports the BID, he is troubled by provision that enables the BID to distribute money from one business to another business. C. LaMastra advised that it is a statutory power, but it does not have to be allowed in the budget. Borough Attorney McClure explained that the Council does not have to grant them that authority as their powers can be made more restrictive than what is permitted under the statute.

Mayor Rustin pointed out that one of reasons for the proposed changes were due to comments that the business owners, and to a lesser degree property owners, did not have a say in the BID and a majority of them do not live in Tenafly. He expressed his concern that the proposed bylaws could allow opponents to the BID to take control of the board which can result in a bad situation.

Borough Attorney McClure advised that this ordinance is changing the structure of board of directors and does not approve the bylaws or change of their powers. He further advised that the bylaws are recited word for word from the ordinance and statute and voting yes is not voting one way or another on the objectionable powers.

C. Honig questioned whether the ordinance can be modified to deal with this issue and Borough Attorney McClure advised that it can.

C. Warms expressed his opinion that the business owners care enough about the BID to ensure that the right people get elected to the board.

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

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

#### **ORDINANCE NO. 12-17:**

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on October 16, 2012, and posted on the bulletin board of the lobby of the municipal center.

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

Public Comments on Ordinance 12-17.

No one came forward.

Motion by C. Warms, second by C. LaMastra that Ordinance 12-17 be passed on second and final reading and are hereby adopted and notice of same shall be published according to law.

C. LaMastra questioned whether the property owners will receive revised surveys or deeds. Borough Attorney McClure advised that this ordinance will be recorded at the County Clerk's office and the Assessor will receive a copy automatically. He explained that it may or may not increase their assessment.

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

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

COMMITTEE REPORTS:

Councilman Barzelatto

Mr. Barzelatto reported that the Police Department, DPW, Fire Department, and TVAC went above and beyond during the storm. 13 houses have been severely damaged by trees and the Building Inspector has surveyed most if not all of the damaged properties. There was a major obstruction on Kenwood that prevented residents from exiting their street, 3 poles with numerous wires down on Oxford, and several roads are closed. Although 911 did not experience issues, there were issues with the non-emergency line in the Police Department during the storm, causing the calls to be rerouted to Cresskill. There have been daily County teleconferences during which they receive a complete briefing and are able to ask questions. There was also a teleconference with the Governor's Office during which almost every town was recognized. Tenaflly had a pre-meeting to discuss preparations before the storm and a recovery meeting following Hurricane Sandy. Mr. Barzelatto has been in daily consultation with the Superintendent of Schools. He advised that fuel levels are being monitored, and if they become low, the County can provide assistance in supplying fuel. Tenaflly has been assisting other towns with fuel. The DPW is in the in process of picking up the storm debris and are asking the debris be kept separate them from leaves. There will be a follow-up meeting next week. The County has already been in contact with regard to costs resulting from the storm and Mr. Barzelatto has asked Department Heads to calculate their expenses.

Councilman Zinna

No report.

Councilwoman LaMastra

No report.

Mayor Rustin

Mayor Rustin advised that the Recycling Center is closed due to no power. Borough Hall does not have telephones due to an issue with the Verizon lines, but does have internet access and advised that people should communicate by email. The public schools will be closed tomorrow and they are working on a proposed schedule for next week. Residents can charge electronic devices in the Police Department. The DPW is asking that residents separate leaves from storm debris and if their street is narrow, to leave debris curbside. The gasoline situation has been caused by the fact that most stations do not have electricity and other stations have electricity but their supply is very limited. C. LaMastra requested a report on the number of Code Red calls that were actually received by residents.

Councilman Barzelatto

Mr. Barzelatto reported that there was a house fire during the heat of the storm which started because of a generator. He advised that although a Code Red message was sent to inform residents that generators should be kept in a well-ventilated area,

the Fire Department has gone on a half dozen calls for generators that are inside homes. Mayor Rustin suggested having a section in the next newsletter listing the common mistakes that are made during a storm. Mr. Barzelatto advised that an arrest was made at a gas station in which the person was charged with vehicular assault.

Councilman Warms

Mr. Warms report that the Nature Center has been heavily hit by Hurricane Sandy and they are asking for volunteers to help clean up. The Dunham House was hit by a fallen oak tree.

Councilman Honig

Mr. Honig commended the work of the Joint Use Committee in getting the generator that permitted the network in Borough Hall to remain up and running.

OLD BUSINESS:

None.

NEW BUSINESS:

- Introduction of Ordinance

C. Warms moved to introduce and pass on first reading Ordinance 12-18 and setting November 1, 2012 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 ordinance. Seconded by C. LaMastra:

Borough clerk read the ordinance into the record:

ORDINANCE NO. 12-18 - AN ORDINANCE AUTHORIZING THE EXECUTION AND GRANTING OF A LEASE TO THE TENAFLY NATURE CENTER ASSOCIATION, INCORPORATED.

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

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

- **#R12-403**/Adopt Bylaws of the Tenaflly Business Improvement District Management Corporation

Motion by C. LaMastra, second by C. Zinna that #R12-403 be approved.

On a roll call, the vote on #R12-403 was recorded as follows:

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

All members present voting in favor, the #R12-403 was approved.

MAYOR'S REMARKS:

Mayor Rustin praised the DPW in the terrific job that they have done during and after the storm. He expressed his opinion that they attacked this situation with vigor and energy. He also recognized the Police Department, Fire Department, and TVAC who all did a fantastic job during the storm. C. Warms commented that residents were provided with good and current information on the Board of Education and Borough Hall websites. Mayor Rustin noted that Borough Administrator Thompson-Chin worked from home to keep the website updated even though she, too, was without power.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. LaMastra, second by C. Honig, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:36 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC  
Borough Clerk