

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, DECEMBER 11, 2012

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

ABSENT: Council member Anthony Barzelatto

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

At 7:46 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 Press 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. Zinna, second by C. Kerge, and all other members voting in favor,

BE IT RESOLVED that the Minutes of the November 20, 2012 Public Meeting, November 27, 2012 Closed Session (not to be released), and November 27, 2012 Work Session are approved.

REVISIONS TO AGENDA:

None.

PRESENTATIONS - 2012 Fire Prevention Poster Contest Awards

Alden Blackwell, Fire Official, explained that they hold a Fire Prevention Poster Contest for children in Kindergarten through 5th Grade and this year's theme was "Have Two Ways Out." He commented that there were quite a number of applicants and it was a difficult job to select the best.

The list of the winners is as follows:

KINDERGARTEN:

Lenny Shteynblik	HONORABLE MENTION	Mackay School
Mia Callahan	3 RD PLACE	Mackay School
Liam Tenenbaum	2 ND PLACE	Maugham School
Jessica Guo	1 ST PLACE	Mackay School

FIRST GRADE:

Itai Shargian	HONORABLE MENTION	Mackay School
Gavin Boston	3 RD PLACE	Mackay School
Chase Rubinetti	2 ND PLACE	Mackay School
Allegra Wong	1 ST PLACE	Mackay School

SECOND GRADE:

Emma Zgonena	HONORABLE MENTION	Mackay School
Casey Yom	3 RD PLACE	Stillman School
Dahlia Cousineau	2 ND PLACE	Stillman School
Jaimie McClane	1 ST PLACE	Stillman School

THIRD GRADE:

Rebecca Wong	HONORABLE MENTION	Smith School
Maria Kalas	3 RD PLACE	Mackay School
Eleanor Kim	2 ND PLACE	Mackay School
Kara Park	1 ST PLACE	Mackay School

FOURTH GRADE:

Suegra Arain	HONORABLE MENTION	Maugham School
Jonathan Tenenbaum	3 RD PLACE	Maugham School
Julia Mei	2 ND PLACE	Maugham School
Brian Whang	1 ST PLACE	Smith School

FIFTH GRADE:

Madeline Barone	HONORABLE MENTION	Maugham School
Cecilia Gutierrez	3 RD PLACE	Stillman School
Isabella Wilson	2 ND PLACE	Stillman School
Lana Lee	1 ST PLACE	Maugham School

BEST OVERALL POSTER FOR 2012

Lana Lee

AUDIENCE REMARKS FOR AGENDA ITEMS:

None.

CONSENT AGENDA:

- #R12-417/Approve Expenditures as of December 5, 2012
- #R12-418/Execute Collective Bargaining Agreement – OPEIU Local 32
- #R12-419/Execute Collective Bargaining Agreement – Tenaflly Crossing Guards
- #R12-420/Authorize Refund/Overpayment - Veterans Deduction
- #R12-421/Authorize Refund/Tax Overpayments – Various
- #R12-422/Authorize Refund/2012 County Board Judgments – Various
- #R12-423/Authorize Cancellation of Taxes – Monopole
- #R12-424/Authorize Issuance of Purchase Order/Lightning Detection Systems Installation – Quality Protection Systems
- #R12-425/Authorize Receipt of Bids/Tenaflly Road Sanitary Sewer Lining Project
- #R12-426/Authorize Receipt of Bids/Tenaflly Road Section 2 Project
- #R12-427/Authorize Receipt of Bids/Improvements to the Roosevelt Commons Tennis Courts/Tenaflly Road Basketball Court Project
- #R12-428/Authorize Additional Engineering Services/Mapping and Engineering Evaluation for Existing and Proposed Handicapped Accessible Parking in the Downtown Area
- #R12-429/Schedule 2012 Recess Meeting – 2013 Reorganization Meeting
- #R12-430/Authorize Tree Mitigation Escrow Refund – 35 Forest Road
- #R12-431/Authorize Execution/Discharge Agreement - 27 & 31 Dogwood Lane
- #R12-432/Authorize 2012 Budget Line Item Transfers
- #R12-433/Award Contract/Police Accreditation Consulting Services –The Rodgers Group, LLC
- #R12-434/Authorize Refund/Marriage License Application Fee
- #R12-435/Authorize Tree Mitigation Escrow Refund – 27 Dogwood Lane
- #R12-436/Authorize Tree Mitigation Escrow Refund – 4 North Summit Street
- #R12-437/Authorize Refund – Construction Interest Fees/Account 211048
- #R12-438/Authorize Refund/Tax Court Judgments – 2010-2012

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

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

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

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

camp and the use of the pools. There was also discussion about the turf at the Municipal Center as it is nearing its life expectancy and is becoming compacted. They are looking at whether repairs can be made to extend the life expectancy or if it is necessary to replace it at a cost of \$380,000. C. Honig questioned whether open space funds can be used and Borough Attorney McClure confirmed that those funds can be used. Ms. LaMastra reported that signage has been created for the usage of the basketball courts. The cost for the fitness equipment is \$31,000 and Ms. LaMastra asked that this topic be placed on the agenda for discussion either in January or during budget discussions. The Recreation Board requested that the Borough Engineer look at the drainage issues at Sunnyside Park.

The Police Commission met yesterday and earlier today to conduct interviews for the promotion of one Sergeant and one Lieutenant. Ms. LaMastra noted the high quality of the officers who were interviewed, making the choice of who to promote very difficult. She advised that a decision was made and the Council will be receiving a memo directly from Chief Bruno as to which officers will be promoted.

Councilman Zinna

The Chemical Awareness Program met last night and discussed the Safe Rides Program. The program will begin in the first quarter of 2013. The Police Department will train drivers in January and February. The program is modeled after Maywood and information on this program will be disseminated through the schools.

Councilwoman Kerge

The Board of Adjustment met last week. The developer's agreement for the Community Synagogue of Tenafly and Englewood was before the board. D&K Management, LLC's application for the apartments above 20 Washington Street was approved. The Farley application has been postponed to January. There have been recent resignations from the board and those appointments will be announced at the Reorganization Meeting.

The Historic Preservation Commission discussed the historic sign at the Elizabeth Cady Stanton House located at 135 Highwood Avenue. The sign has not been approved by the current owners of the property and is being stored for now. The commission has sent a letter to request to have additional lighting at the Train Station for the holiday season.

The Library Board met last evening. They will be having a breakfast in January to honor staff for going above and beyond once power was restored after the storm. The board would like to know whether the Library can be connected to the Municipal Center's generator or if they will need to purchase own. Borough Administrator Thompson-Chin advised that they cannot connect to the existing generator as there is no excess capacity. She explained that the Borough Engineer has conducted a load study and a unit of equal size would be needed for the Library, McCandless Room, and the Teen Center.

OLD BUSINESS:

A. Naming of Oval and Driveway – C. Warmes

C. Warmes advised that David Wall, Chair of the Historic Preservation Commission, suggested that the oval and driveway behind the Municipal Center be named after Elizabeth Cady Stanton. Council decided to place this item on the next Work Session agenda.

B. 311 Tenafly Road

C. Honig requested an update on the status of 311 Tenafly Road. Borough Attorney McClure advised that they have received DEP approval. C. Honig questioned why Council had not been notified of this fact and Borough Attorney McClure responded that there was an issue regarding the contingencies that remain outstanding which may affect whether this deal is firm. He explained that as of last week, United Way had not completed their Phase I environmental which is the last contingency. He advised that he will speak with the Borough Engineer to see whether Maser Consulting can complete this task. The question arose as to who would be responsible for these costs. Borough Attorney McClure is to obtain clarification as to who would be obligated to pay these costs. Council decided to place this item on the next Work Session agenda for an update.

AUDIENCE REMARKS FOR NON-AGENDA ITEMS:

Alan Myerson, 133 Kent Road, commented that he recently became aware of Council's decision to extend the Nature Center's lease and the center's intent to take over either 1, 5 or 15 acres to build a new center on Clinton and Kent. He expressed his belief that this land was to remain green in perpetuity and pointed out that many people are against this proposal. He asked that Council take into consideration the sentiments of the residents and afford them more insight.

Mayor Rustin responded that it has been made perfectly clear that this project will use less than 2 acres. He explained that the lease extension is contingent on the building being built. He advised that the 15 acre area comprises the entire area upon which a building can be placed and there will be a 1.5 acre area designated for the building within that 15 acres.

C. Honig noted that there was a hearing held during which people spoke both for and against this project. He commented that the mission of the Nature Center is to preserve the beauty of the land and educate the next generation so that they, too, will have a love of this land. He pointed out that the Nature Center will have to present plans to Council and each step will require Council's approval.

David Simpson, 12 Woodland Park Drive, advised that he has heard that the cost for this project will be \$5 million and asked how that number translates to building on 1.5 acres. Although the lease may have certain parameters, he noted that when the Nature Center asked for State approval, they requested approval for 15 acres. He expressed his opinion that there has not been transparency during this process and asked why information on this project was not included in the newsletter and the hearing was rushed. He criticized the appearance of the Nature Center as he does not feel it is being properly cared for.

Mayor Rustin responded that this project is not a done deal as the Nature Center will have to provide specific plans and at that time, there will be a better sense of the square footage and cost. He explained that when these plans are presented, there will be another public hearing and Council will decide whether to move forward at that time. He then addressed the condition of the Nature Center and explained that Pfister's Pond is a manmade lake and what is happening is a natural progression. He advised that the letter referring to 15 acres was a letter of interpretation and the purpose was to confirm that the only non-wetlands area is 15 acres.

Borough Administrator Thompson-Chin noted that the Nature Center usually has a page in the newsletter and the Borough does not generate that content. She explained that to not have a page in the October newsletter was at the option of the Nature Center. She pointed out that the Nature Center did put out a special edition of their newsletter and it was dedicated solely to this project.

Sylvia Myerson, 133 Kent Road, expressed her opinion that what has been proposed cannot be done on 1.5 acres.

Edythe Kornfeld, 258 Highwood Avenue, stated that Council has an obligation to have a general meeting before votes are taken or changes are made as residents need to understand the proposal.

John Kao, 428 Tenaflly Road, expressed his concern about the plans for the proposed soccer cage due to the school traffic in that area. He suggested sending a letter to property owners on Tenaflly Road, Chestnut Street, and Central Avenue to make them aware of this proposal.

Peggy Fine, 22 Wight place, questioned whether the naming of the oval will be decided tonight. Mayor Rustin responded that it will be discussed at a work session.

Alan Myerson, 133 Kent Road, advised that he has a copy of a letter from Amy Green representing the Nature Center, which referred to a check in the amount of \$1,944 that covered 15.2 acres. He questioned when residents will be advised if this project is moving forward. Mayor Rustin responded that as soon as the plans are received, they will be available for review.

David Simpson, 12 Woodland Park Drive, explained that the residents who fought to preserve this land do not feel that recreational use is consistent with what they had envisioned 30 years ago. He suggested that the next newsletter feature the two positions on this project.

Mayor Rustin advised that the purpose of the newsletter is to provide information. As such, the project will be presented but not advocated for or opened up for debate in the newsletter. He stated that once the plans are received, there will be a special meeting to discuss the plans during which the public can have a say and a vote will not be taken.

MAYOR'S REMARKS:

None.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. LaMastra, second by C. Kerge, and unanimously carried, to adjourn this meeting. The meeting was recessed at 9:37p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk