

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

MONDAY, FEBRUARY 13, 2012

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

ABSENT: None

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

At 8:02 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 notice of this revised meeting date via the February 9, 2012 Sunshine Notice has been 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. Kerge, and all other members voting in favor,

BE IT RESOLVED that the Minutes of the January 17, 2012 Public Meeting, January 31, 2012 Work Session, January 31, 2012 Public Meeting, and February 6, 2012 Budget Meeting are approved.

REVISIONS TO AGENDA:

None.

PRESENTATIONS -

Mayor Rustin commented that he has had the pleasure and privilege of getting to know the four officers being promoted and expressed his opinion that Tenafly is very fortunate to have the four of them as well as the all of the other members of the Police Department serving them.

Oaths of Office – Tenafly Police Department

- o Lieutenant Paul Liautaud, Lieutenant Timothy O'Reilly

Borough Attorney McClure administered the Oath of Office to Lieutenant Paul Liautaud and Lieutenant Timothy O'Reilly. Mayor Rustin advised the Lt. Liautaud is also the Assistant Coach for the Tenafly High School hockey team. Mayor Rustin noted that Lt. O'Reilly served as the liaison between Tenafly students and the Police Department. He expressed his opinion that Lt. O'Reilly went above and beyond the responsibilities defined in this position, providing a benefit to both the student population and the community.

- o Sergeant Nicholas Roux, Sergeant Robert Terranova

Borough Attorney McClure administered the Oath of Office to Sergeant Nicholas Roux and Sergeant Robert Terranova. C. Barzelatto advised that both Sgt. Roux's uncle and grandfather had been Tenafly Police Officers and expressed his opinion that they are looking very proudly down on Sgt. Roux this evening.

Mayor Rustin remarked that Chief Bruno takes the promotion and hiring process very seriously. He advised that it is a tough process as there are many dedicated officers who are capable of handling these positions.

- o Officer Patrick Henderson, Officer Sean Kohler

Borough Attorney McClure administered the Oath of Office to Officer Patrick Henderson and Officer Sean Kohler. Mayor Rustin wished both of them good health and long and successful careers.

AUDIENCE REMARKS FOR AGENDA ITEMS:

Mayor Rustin informed the audience that, with the consent of Council, he will ask if they have any further remarks on the DEIS after Council has had its discussion under Old Business. No members raised any objections.

Johanne Gambrill, Ravine Road, questioned the new appointments to the District Management Corporation. She stated that she has read the ordinance as well as the bylaws and feels that there is a conflict. She asked for an explanation as to why these changes are taking place.

C. LaMastra requested that Resolution #R12-84/Confirm Appointments to District Management Corporation be removed from the Consent Agenda and placed under New Business. C. Honig asked that Resolution #R12-82/Affordable Housing Trust Fund/Sokol, Behot & Fiorenzo and Resolution #R12-85/Amend Contract between Borough of Tenafly and Tenafly Board of Education for Computer Management Services also be removed from the Consent Agenda and placed under New Business. Council agreed to these requests.

CONSENT AGENDA:

- A. **#R12-77**/Approve Expenditures as of February 8, 2012.
- B. **#R12-78**/Request the New Jersey Department of Community Affairs to Approve the Tenafly Spending Plan.
- C. **#R12-79**/Confirm Appointment of Borough Auditor.
- D. **#R12-80**/Approve Raffle Applications RA 1009 & RA 1010/Family Promise of Bergen County and Sisterhood of Temple Sinai.
- E. **#R12-81**/Authorize Expenditure/Affordable Housing Trust Fund/Stickel, Koenig & Sullivan.
- F. ~~**#R12-82**/Authorize Expenditure/Affordable Housing Trust Fund/Sokol, Behot & Fiorenzo.~~ *Moved to New Business*
- G. **#R12-83**/Authorize 2012 Green Community Grant Application.
- H. ~~**#R12-84**/Confirm Appointments to the District Management Corporation.~~ *Removed from Consideration*
- I. ~~**#R12-85**/Amend Contract between Borough of Tenafly and Tenafly Board of Education for Computer Management Services.~~ *Moved to New Business*

Motion by C. Zinna second by C. LaMastra 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:	aye	C. Zinna:	aye

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

Because Ms. Gambrill requested that the discussion on the District Management Corporations' appointments be moved up, Council agreed to discuss #R11-84/Confirm Appointments to the District Management Corporation.

C. LaMastra advised that although she had had a conversation about how these appointments would fit with some members of Council, it was never fully discussed with the rest of the group. She explained that every appointment does fit into a particular category according to the ordinance.

Council decided to remove this resolution from consideration and place it on the next work session for discussion. Council asked that they be provided with a list of each member and the position under which they fall according to the ordinance.

COMMITTEE REPORTS:

Councilman Honig No report.

Councilman Warms No report.

Councilman Barzelatto No report

Mayor Rustin Mayor Rustin reported that last Wednesday, he attended the Mayor's Legislative Day in Trenton. He advised that he met the Acting Commissioner of the DCA, Richard Constable, III, and they discussed COAH. He was assured by Acting Commissioner Constable that Tenaflly's Spending Plan would be turned around quickly. Mayor Rustin also spoke with the Commissioner of Transportation, James S. Simpson, about Tenaflly's opposition to the proposed plan for the Light Rail. Janice Mironov, League 1st Vice President, was a speaker at this event and Mayor Rustin commented that she was very well-spoken and much more assertive in asking legislators to address the problems of unfunded mandates such as the energy receipt tax.

Councilwoman LaMastra Ms. LaMastra announced that the Welcome Committee will be holding their annual Maple Sugaring event on March 18th from 2 p.m. to 3 p.m. She advised that the Nature Center will give any new residents free membership for their first year.

Councilman Zinna No report.

Councilwoman Kerge

Ms. Kerge advised that the Library Board is meeting tonight and she briefly attended. There was discussion about their 2011 annual report. They have created a Welcome to Tenafly Public Library brochure. Library members may now obtain a code and pin number to receive Library services through their smartphone.

The Board of Adjustment did not meet this month as there were not enough complete applications.

Borough Administrator Thompson-Chin met with two members of the Historic Preservation Commission and there will be another meeting tomorrow with the Borough Administrator and Bob Beutel to discuss the lighting in the parks.

C. Honig questioned why Paul Keyes has not been involved in the discussions regarding the lighting. Borough Administrator Thompson-Chin explained that he prepared the plan for Huyler Park while under contract and this plan did not include a lighting plan. She stated that they did reach out to Paul Keyes, but he declined to participate. She advised that they are utilizing the services of the Borough Engineer and will decide whether a lighting designer is necessary. She informed Council that Mario Turchi, member of the Historic Preservation Commission, is a lighting expert. He is planning to attend the meeting tomorrow, but will be working as volunteer not as contractor.

OLD BUSINESS:

- A. Review of Response to DEIS for Federal Register.

Mayor Rustin asked that Mark Gordon, Transportation Study Consultant, participate in the discussion as he has prepared the response to the DEIS for the Federal Register. Mr. Gordon advised that the Transportation Committee met last week and the members decided to emphasize those issues particular to Tenafly. He noted that he took Chief Bruno's suggestion to extract as much text from the DEIS as possible to include in this response.

Council discussed concerns such as quiet zones, ADA considerations, and grade separation. In terms of grade separation, Mr. Gordon advised that NJ Transit would mostly likely dismiss a request to completely run the line underground or have a flyover track. He did feel that requesting grade separation at one particular intersection would be reasonable to include.

C. Barzelatto questioned why the population of the high school was the only population included in the response. Mr. Gordon explained that he had quoted that section directly from the DEIS, but could add more attendance numbers.

Mayor Rustin advised that while he was in Trenton for the Mayor's Legislative Day, he was invited to do an interview on Channel 12 along with Rose Heck, Mayor of Hasbrouck Heights, who is an advocate for passenger rail service throughout state. He believes that the commentator was sympathetic to Tenafly's case and feels as though that the interview went well.

C. LaMastra expressed her concern that there should be stronger language when discussing the contingencies if the line should be constructed over Tenafly's opposition.

C. Zinna questioned whether Tenafly can request revenue from NJ Transit's parking lot. As he believes demands should be kept realistic, Mr. Gordon responded that he could increase the request for the number of parking spaces from 200 to 300 spaces. Council agreed to this change.

C. Kerge raised a concern about the possibility of increased freight travel as a result of improved tracks. Mr. Gordon advised that when the Light Rail stops running, freight trains will have use of the tracks and it is possible that the improved rail line would attract more freight operators.

C. Barzelatto inquired whether a request can be made for enhanced training of first responders, additional manpower, and specialized equipment. Mr. Gordon responded that he can include a request to purchase specialized equipment such as a machine to extricate doors open, but cannot include a request to maintain personnel.

C. Honig questioned whether NJ Transit has allocated money to install video surveillance along the line since it will not be policed. Council agreed that this request should be included. C. Honig asked that the request include that the cameras be tied into the Tenafly Police Station.

Borough Attorney McClure concurred with C. LaMastra about the language used to request contingencies should the line be constructed over Tenafly's opposition. After some discussion, it was decided that the language be "Should the line be built over our objections, Tenafly would insist on the following seven mitigating measures."

Public Comment:

Carl Zipperle, 89 Hillside Avenue, criticized the approach being taken in this response as he feels it is too negative and doesn't really grasp all risks. He expressed his opinion that the additional risks to include are the possibility of CSX converting this line into their main trunk line, the traffic backup that will be caused by having to wait for the gates to clear, blockage of emergency services traveling east and west, and noise concerns. He expressed his opinion that should Tenafly's case should be stated in terms of outcomes.

Johanne Gambrill, Ravine Road, pointed out that in the DEIS, they stated that shoppers can park behind businesses, but she advised that businesses rent parking spaces from their landlords. She also expressed her opinion that the solution included in the DEIS of having people park on the residential streets is a bad idea.

Peter Caiazzo, Piermont Road, stated that he is a strong supporter of the rail line as there will be an increase in homeowners, home values will go up, and more businesses will want to come into Tenafly.

C. Honig recalled that NJ Transit made reference to a device that can be used to shut down the train in the event of an emergency. Mr. Gordon responded that he will include that request.

Motion by C. Barzelatto, second by C. Honig to approve the draft response to the DEIS for the Federal Register with the requested revisions.

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

C. Barzelatto:	aye	C. LaMastra:	aye
C. Honig:	aye	C. Warmes:	aye

C. Kerge: aye

C. Zinna: aye

Council discussed the various State officials who should be sent a copy of this response.

B. Other Old Business:

C. LaMastra expressed her disappointment that there were no pictures taken of the Oaths of Office this evening. She advised that she has previously requested that a camera be purchased for the Borough Clerk's office for occasions such as these so that pictures can be sent to the local papers and opportunities to show this community in positive light can be taken. Mayor Rustin suggested that a request be made for a high school student to volunteer to take pictures when special ceremonies are scheduled.

C. LaMastra also expressed her opinion that Council should have been provided with a biography of the officers who were promoted and hired this evening. C. Honig questioned why there was not a meet and greet scheduled. Borough Administrator Thompson-Chin advised that there was a miscommunication about this evening, but Chief Bruno did arrive early with the officers and their biographies.

NEW BUSINESS:

A. **#R12-82**/Authorize Expenditure/Affordable Housing Trust Fund/Sokol, Behot & Fiorenzo.

Motion by C. Warms, second by C. LaMastra, that Resolution #R12-82/Authorize Expenditure/Affordable Housing Trust Fund/Sokol, Behot & Fiorenzo, be approved.

C. Honig questioned why this firm is being hired for this purpose. C. Warms responded that this resolution authorizes expenditures of funds from the COAH trust. Borough Attorney McClure further advised that as this is a special project, this work is over and above Mr. Zenn's handles as the planning board attorney and he is, therefore, entitled to additional compensation. He explained that because the project involves affordable housing, there is the opportunity to use funds out of the trust.

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

C. Barzelatto: aye

C. LaMastra: aye

C. Honig: aye

C. Warms: aye

C. Kerge: aye

C. Zinna: aye

B. **#R12-85**/Amend Contract between Borough of Tenafly and Tenafly Board of Education for Computer Management Services.

Motion by C. Barzelatto, second by C. Zinna, that Resolution #R12-85/Amend Contract between Borough of Tenafly and Tenafly Board of Education for Computer Management Services, be approved.

C. Honig expressed his opinion that the Borough should be able to review the bids that are submitted for the generator. He believes that there should be a service level agreement put in place that clearly stipulates what the generator will provide. He suggested having a special Joint Use meeting to discuss this matter further.

Borough Administrator Thompson-Chin responded that although C. Honig's suggestions are good, there is a timing issue. She advised that the bid specifications have not yet been

completed and a discussion can be had at a regular Joint Use meeting before the project goes out to bid.

As the Borough is spending \$15,000 to have the analysis completed, C. Honig questioned why the Borough cannot send the Board of Education a letter of intent pending receipt of the bid specifications and having a service level agreement in place.

Borough Administrator Thompson-Chin advised that the Board of Education did decide that it was not necessary to have the \$15,000 up front and the Borough's share is not to exceed \$200,000. She further advised that the Board of Education is proceeding with having the architectural specifications completed and they have moved ahead with the understanding that the Borough will be introducing the bond ordinance. She explained that Gene Vinci, Chief Financial Officer, has met with the Board of Education and made them aware that should the bids not come in at a reasonable level, the funds will not be expended. However, she noted that there will be a minimum investment of \$15,000.

Borough Attorney McClure expressed his opinion that the agreement should be subject to the Borough's approval of the ultimate bid specs. He proposed a modification to page four of the agreement to add in that that the plans and specifications are subject to approval of the Borough Engineer.

Several members of Council expressed concern over signing a 5-year contract with the Board of Education for IT services as they believe there are problems with the current email system. Mayor Rustin expressed his opinion that the Borough needs to be more assertive at the Joint Use meetings in asking to have the email issues resolved. C. Honig suggested adding a clause to the contract that it be reviewed annually. Borough Attorney McClure advised that this is not a normal arms-length contract and the normal benefits and burdens are not present. As such, the clause would be meaningless.

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

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

C. Introduction of Ordinance

C. LaMastra moved to introduce and pass on first reading Ordinance 12-02 on first reading and setting February 28, 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 Tenafly Municipal Center as the place for a hearing on said ordinance. Seconded by C. Warms:

C. LaMastra read the ordinance into the record:

ORDINANCE NO. 12-02 - BOND ORDINANCE PROVIDING FOR THE COST OF THE BOROUGH'S SHARE TO PURCHASE A GENERATOR IN ACCORDANCE WITH A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH AND THE BOARD OF EDUCATION, APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

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

C. Barzelatto: aye
C. Honig: aye
C. Kerge: aye

C. LaMastra: aye
C. Warme: aye
C. Zinna: aye

AUDIENCE REMARKS FOR NON-AGENDA ITEMS:

None.

MAYOR'S REMARKS:

None.

ADJOURNMENT:

On a motion from C. Kerge, second by C. LaMastra, and with all present voting in favor,
the meeting was adjournment at 10:35 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk