

# Borough of Tenafly

## MAYOR AND COUNCIL

### MINUTES

**TUESDAY, FEBRUARY 28, 2012**

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

ABSENT: Councilman Anthony Barzelatto

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

At 8:38 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.

#### REVISIONS TO AGENDA:

Borough Attorney McClure advised that Resolution #R12-98/Confirm Appointments to the District Management Corporation is being added under New Business and an update on contract negotiations is being added under Closed Session.

#### PUBLIC COMMENTS:

Johanne Gambrill, Ravine Road, expressed her concern over Jonathan Fox being appointed to the BID as she believes that people are being placed into positions in which they do not belong and as a result, the ordinance is not being followed. She also expressed her opinion that although they have the power to tax businesses, this board has almost no oversight. She believes that the businesses in this community are hurting and do not feel that they are getting enough for that tax. She also does not feel as though there is enough communication with the businesses.

Mayor Rustin explained that the BID does not have power to tax. The BID submits a budget which is approved by the Mayor and Council and the taxes collected for the BID are based upon the approved budget.

C. Kerge agreed with Ms. Gambrill about BID members not being placed in correct slots and proposed postponing this vote. Mayor Rustin advised that C. Kerge should raise this issue when the resolution is discussed under New Business.

#### CONSENT AGENDA:

- A. **#R12-86/**Approve Expenditures as of February 22, 2012.
- B. **#R12-87/**Authorize 2011 Appropriation Reserve Line Item Transfers.
- C. **#R12-88/**Authorize Renewal of Plenary Retail Consumption License No. 0261-33-010-008 for 2011-2012 Term Pursuant to 12:39 Special Ruling.
- D. **#R12-89/** Establish Fees for the 2012 Recreation Sport Programs.
- E. **#R12-90/**Authorize Refund/Tree Mitigation Escrow/77 Sussex Road.
- F. **#R12-91/** Authorize Refund/Tree Mitigation Escrow/90 Coppell Drive.
- G. **#R12-92/** Authorize Refunds/Tree Mitigation and Construction Escrow/213 Engle Street.
- H. **#R12-93/** Authorize Shared Services Agreement with the Borough of Little Ferry/Registrar Services.
- I. **#R12-94/**Authorize Refund of Tax Overpayments.
- J. **#R12-95/**Authorize Refund of 2009 and 2010 Tax Court Judgments.
- K. **#R12-96/**Authorize contract with International Fireworks for Annual Independence Day Celebration Fireworks Display.

Motion by C. Kerge, second by C. Zinna 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.

**PUBLIC HEARINGS**

**ORDINANCE NO. 12-01:**

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on January 31, 2012, and posted on the bulletin board of the lobby of the municipal center.

ORDINANCE NO. 12-01 - AN ORDINANCE TO AMEND CHAPTER VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED "TRAFFIC" IN ORDER TO DESIGNATE ONE-WAY STREETS.

Public Comments on Ordinance 12-01.

None.

Motion by C. Kerge, second by C. Honig that Ordinance 12-01 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:	absent	C. LaMastra:	aye
C. Honig:	aye	C. Warms:	aye
C. Kerge:	aye	C. Zinna:	aye

**ORDINANCE NO. 12-02:**

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on February 13, 2012, and posted on the bulletin board of the lobby of the municipal center.

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.

Public Comments on Ordinance 12-02.

None.

Motion by C. Warms, second by C. Zinna that Ordinance 12-02 be passed on second and final reading and are hereby adopted and notice of same shall be published according to law.

C. Honig questioned whether the shared services agreement had been received. Mayor Rustin advised that the Board of Education would be voting to approve the agreement this evening. Borough Attorney McClure added that he and the Board of Education's attorney have agreed on the language and the Board of Education would be voting on that language. Mayor Rustin stated that he had spoken with a number of members of the Board of Education and he got the sense that they will be approving the agreement.

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

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

COMMITTEE REPORTS:

Councilwoman Kerge

Ms. Kerge advised that the Board of Adjustment did not meet this month as there was no business to conduct, but at the next meeting they will be hearing two new applications as well as the Farley application that was carried from a previous meeting.

Councilman Zinna

No report.

Councilwoman LaMastra

Ms. LaMastra reported that Recreation met on February 15<sup>th</sup> and heard reports on the travel programs. The football program was registered through Recreation and run by 3 to 4 parent volunteers with 142 participants. She expressed her opinion that Tom Laug should be recognized as he went above and beyond to keep the program running. The soccer program had 850 children participate and 140 individuals act as coaches. Recreation will be receiving 200 more vouchers through the Megan Kanka Foundation to conduct background fingerprint checks of the coaches. They sponsored an event called Tenaflly has Talent for which the admission was bag of groceries to be donated to the Center for Food Action in Englewood. Tenaflly Idol will take place in the fall and they are planning to televise it on Channel 77. The Father/Daughter Valentine's Day Dance had 180 participants. There was discussion about starting a tennis league again. Recreation now has a Facebook page on which they will be posting information about their activities.

The BID met last night and they have filed to become a 501(c)(3) organization, filed tax returns, and completed their audit. They will be sponsoring an event called the Taste of Tenaflly in which restaurants will offer discounts from 15% to 20% or a fixed menu. There will be the opportunity for participants in this event to win an iPad. The BID Board will come before governing body to make a request to expand to 11 members. Their website is [www.tenafllybid.org](http://www.tenafllybid.org) and minutes will be posted to this site. There is currently a listing of all business in the community on the website, but it will be reduced to only those businesses included in the BID. It has been discovered that there are properties located within the BID area, but not currently included in BID. There will be a resolution coming before the governing body to include those businesses.

The Tenaflly Municipal Alliance Chemical Awareness Prevention program will have a guest speaker, Guardian Angel Curtis Sliwa, at 7:30 p.m. on March 28<sup>th</sup>.

C. LaMastra requested that the governing body recognize the two Police Officers and Plumbing Sub-Code Official who recently retired. Council asked the Borough Clerk to check their availability for the next Public Meeting and asked that plaques be ordered to honor them. Mayor Rustin suggested recognizing the president and board of directors for each of the co-sponsored sports in June.

Mayor Rustin

Mayor Rustin attended a Mayor's Dinner last week and the speaker was Rockland Electric. The topic was the training of first responders to deal with storm-related issues such as how to handle downed wires. In listening to this discussion, Mayor Rustin commented that he could see the importance of

Chief Bruno's concern about the training that would be needed to handle situations that could arise as a result of the Light Rail.

Mayor Rustin advised that there will be a piano concert on March 11<sup>th</sup> at 2:00 pm in the Library. This event is being cosponsored by Tenaflly Presents and the Tenaflly Public Library.

Mayor Rustin announced that the fireworks will take place on July 1<sup>st</sup>. He remarked that last year was the first year without a concert. There is a local Dixieland band interested in performing. He will provide a report at the next Public Meeting about the status of donations. He expressed his desire to also offer a summer concert series in Huyler and Davis-Johnson Parks.

Councilman Warmes

The Nature Center will be having a Boundary Walk at 10:00 a.m. this Sunday.

Councilman Honig

Mr. Honig announced that the Tenaflly Hockey Team will be playing the first round in the State Championship tomorrow night at 7:00 p.m. at Mackay School and asked that residents come out in support.

Councilwoman LaMastra

Ms. LaMastra advised that the BID has been awarded a Main Street designation and Tenaflly is the first community in Bergen County to have such a designation from the DCA. There will be a formal presentation and this designation will entitle the BID to educational and grant opportunities, money towards training BID members, and a grant in the amount of \$2,000 for improvements. Ms. LaMastra will advise when it has been finalized.

#### OLD BUSINESS:

None.

#### NEW BUSINESS:

- Introduction of Ordinance

C. Warmes moved to introduce and pass on first reading Ordinance 12-03 on first reading and setting March 13, 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:

C. Warmes read the ordinance into the record:

ORDINANCE NO. 12-03 –ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

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

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

- **#R12-97**/Amend 2012 Temporary Budget

Motion by C. LaMastra, second by C. Kerge that #R12-97 be approved.

C. Honig questioned the need for this resolution. Mayor Rustin responded that money is being spent in 2012 without a budget in place and this resolution will allow those funds to be spent. Borough Administrator Thompson-Chin advised that there is a very specific procedure and only specific amounts can be appropriated prior to budget adoption.

C. Honig questioned whether the amount appropriated for garbage collection is the entire amount. Borough Administrator Thompson-Chin advised that it is only 50% of the annual fee for garbage collection.

On a roll call, the vote on #R12-97 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, Resolution#R12-97 was approved.

- **#R12-98/Confirm Appointments to the District Management Corporation**

Motion by C. LaMastra, second by C. Zinna that #R12-98 be approved.

C. Honig expressed his discomfort with the appointments as he finds the waiving of the rules problematic. He also expressed his opinion that C. Kerge should have been the BID representative as she is a longtime member of the business community.

C. Kerge expressed her opinion that this vote should be postponed. She stated that she would like to support Jonathan Fox, but believes that those categories need to be straightened out first.

Borough Attorney McClure advised that C. Kerge can either vote no or move that this resolution be tabled to a future date.

C. Kerge moved to table Resolution #R12-98/Confirm Appointments to the District Management Corporation, second by C. Honig.

On a roll call, the vote on #R12-97 was recorded as follows:

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

With a majority voting in favor, Resolution #12-98 was tabled.

#### MAYOR'S REMARKS:

- A. Proclamation – Read Across America

Mayor Rustin read the proclamation calling on the citizens of the Borough of Tenafly to assure that every child is in a safe place reading together with a caring adult on March 2, 2012 and endorsing NEA's Read Across America and Read Across America-NJ.

#### CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution #R12-99.

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. Plumbing Sub-Code Inspector
- B. Acquisition of Property
  - 1. Potential Site for Affordable Housing Development
- C. Collective Bargaining
  - 1. Contract Negotiations Update

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. Honig, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 9:22 p.m.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. Kerge, second by C. Honig, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC  
Borough Clerk