

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, MARCH 13, 2012

PRESENT: Mayor Peter Rustin and Council members Anthony Barzelatto, Barry Honig (arrived at 7:49 p.m.), Martha Kerge, Nadia LaMastra, Jon Warms, and Mark Zinna

ABSENT: None

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

At 7:47 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. Zinna, second by C. LaMastra, and all other members voting in favor,

BE IT RESOLVED that the Minutes of the January 31, 2012 Closed Session (not to be released), February 7, 2012 Work Session, February 9, 2012 Budget Meeting, February 13, 2012 Public Meeting, February 16, 2012 Budget Meeting, February 28, 2012 Work Session, February 28, 2012 Public Meeting, February 28, 2012 Closed Session (not to be released), and March 1, 2010 Budget Meeting are approved.

REVISIONS TO AGENDA:

None.

PRESENTATIONS -

Storm Water Training by Borough Engineer, A. Hipolit.

Andrew Hipolit, Borough Engineer, advised that as part of the stormwater regulations, one of the requirements is to train the governing body, Building Department, and Department of Public Works. He distributed a letter to be placed in the Borough newsletter and a packet outlining the Municipal Stormwater Program. He advised that this information will be posted to the website and posters provided by the DEP will be posted in Library and Borough Hall. Mr. Hipolit explained that the goal of this program is to know what should and should not go into the stormwater system. He reviewed some preventative measures such as having retrofitted inlets to prevent plastic bottles from entering into the sewers and traveling into rivers or streams. He asked that the Borough encourage its residents to use a carwash, pick up after their pets, use natural fertilizers without phosphates, and repair vehicles that are leaking fluids such as oil and antifreeze. He explained that otherwise contaminated water enters the sewer system and eventually travels to rivers and streams.

He advised that violations should be reported to him, Bob Beutel, or Bob Byrnes to be investigated to determine whether it is a violation of the Borough's permit. He noted that the DPW yard operations are included in his inspections and expressed his opinion that they far exceed requirements of permit.

Mayor Rustin asked that Mr. Hipolit explain what can and cannot be done as far as sump pumps and drainpipes. Mr. Hipolit explained that sump pumps are clean water and he looks to ensure that they do not affect their neighbor or the property owner. If possible, the connection is moved to the storm sewers. In terms of drainpipes, he advised that it is preferred that this water runs to a seepage pit or is directly connected to an inlet in the street. Mayor Rustin then asked that Mr. Hipolit clarify the type of water that should be directed to the sanitary versus stormwater sewer line. Mr. Hipolit advised that any water to which soap is added makes it undrinkable and needs to go to sanitary sewer; roof water and sump pump discharge are the only water that can go into the stormwater system. Mayor Rustin pointed out that the BCUA charges the Borough for water that they process, so there needs to be care taken to keep clean water separate.

C. LaMastra commented that there needs to be a better education program. Mr. Hipolit advised that he can have a question and answer session with Mayor Rustin that can be broadcast on the local cable network. Mrs. Thompson-Chin suggested that in addition to the Mayor's letter, this program can also be summarized in the Environmental Commission section of the newsletter.

C. Warms questioned what type of water is discharged from swimming pools and Mr. Hipolit advised that water is considered clean water.

Mr. Hipolit advised that he has been conducting inspections for illicit connections and he has found three locations in which there was discoloration in the water. He explained that the DEP wants the Borough to prove that this water is not coming from an illicit connection.

C. Kerge asked for a recommendation on how to control sump pumps from draining into the sanitary sewer line. Mr. Hipolit responded that it can be controlled through building permits. He advised that one of the inspections entails finding where the roof leader and sump pump are connected.

C. Barzelatto advised that when the Fire Department responds to an accident, Speedy Dry is applied to the ground and left. He questioned whether there should be a policy of cleaning it up right away. Mr. Hipolit responded that it should and C. Barzelatto stated that he would speak to the Fire Chief about changing this procedure.

Mayor Rustin thanked Mr. Hipolit for his diligence. Mr. Hipolit advised that he will be conducting a detailed training with the DPW and Building Department.

AUDIENCE REMARKS FOR AGENDA ITEMS:

No one came forward.

CONSENT AGENDA:

C. Honig requested to remove #R12-108/Award Contract /Jim Moscone Plumbing & Heating, Inc./Plumbing of the Concession Stand Building and #R12-109/Award Contract /Vintage Builders/Framing of the Concession Stand Building from the Consent Agenda and move them to New Business. Council agreed to this request.

- A. **#R12-100/**Approve Expenditures as of March 7, 2012.
- B. **#R12-101/**Appoint Plumbing Sub-Code Official.
- C. **#R12-102/**Approve LOSAP Certification List – Tenafly Fire Department.
- D. **#R12-103/**Appoint Bond Counsel.
- E. **#R12-104/**Approve Transfer of Plenary Retail Distribution License Number #0261-44-009-004 to R Square and R Square Corporation.
- F. **#R12-105/**Approve Interboro Mutual Aid Group Agreement.
- G. **#R12-106/**Approve LOSAP Certification List - Tenafly Volunteer Ambulance Corps.
- H. **#R12-107/**Declare April 2, 2012 to be “World Autism Awareness Day”.
- I. **#R12-108/**~~Award Contract / Jim Moscone Plumbing & Heating, Inc. / Plumbing of the Concession Stand Building. Moved to New Business~~
- J. **#R12-109/**~~Award Contract / Vintage Builders / Framing of the Concession Stand Building. Moved to New Business~~
- K. **#R12-110/**Authorize Encroachment/4 Huyler Avenue.

Motion by C. Kerge second by C. Barzelatto 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.

PUBLIC HEARINGS

ORDINANCE NO. 12-03:

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on February 28, 2012, and posted on the bulletin board of the lobby of the municipal center.

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

Gene Vinci, CFO, explained that there are two banks, one of which is a CAP bank for appropriations. He advised that the State allows the Borough to increase over the previous year by 2.5%; the CAP bank allows the Borough to increase by 3.5%, providing a little leeway in case of any unforeseen appropriations. Mayor Rustin added that the Borough has had the ability to maintain a CAP bank for a number of years without having to use it.

Public Comments on Ordinance 12-03.

No one came forward.

Motion by C. Zinna, second by C. Barzelatto that Ordinance 12-03 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:	aye	C. Zinna:	aye

COMMITTEE REPORTS:

Councilwoman Kerge

Ms. Kerge reported that she attended the Library Board meeting last evening and they expressed their concern that membership of the Friends of the Library has diminished. She advised that they have brought wonderful programs to community and there will be a notice in the next newsletter asking people to join. Library staff has found slides of what Tenafly looked like in 1969 and will have a slideshow presentation of these slides with descriptions provided by David Wall, Chair of the Historic Preservation Commission, on May 8th at 4:30 p.m. In order to help increase usage, they are considering building a store within the Library, much like a college bookstore, that sells items such as bookmarks and reading glasses.

The Historic Preservation Commission is busy with their lighting project at Davis Johnson Park, Huyler Park, and the Railroad Station.

New members of the Board of Adjustment were sworn in. They heard two applications and one was approved. The vote for the other applications was postponed as the full board was not present. The Farley application was postponed as Mr. Farley was unable to attend.

Councilman Zinna

Mr. Zinna advised that the Municipal Alliance met last night. Curtis Sliwa will be speaking on March 28th at 7:30 p.m. Mr. Zinna requested that this information be posted on the electronic message board. The Board of Education sent a letter to high school parents that there will be a surprise dog sniffing search by the Bergen County Police. He explained that the administration conducts the search while the Police wait outside. If drugs are found, it will become a matter handled by the Tenafly Police Department.

Councilwoman LaMastra

Ms. LaMastra reported that Recreation met and Chief Bruno spoke about the fingerprinting requirements. The ordinance requires that a background check be completed each year, but Chief Bruno clarified that once the fingerprinting has been done, the coach can fill in the prior

fingerprinting ID number to avoid having to be fingerprinted again. The \$18 cost for the background checks has been placed in the Recreation budget for next year. There was discussion about decreased participation in the softball program. A citizens committee has been formed to help recruit more players.

Mayor Rustin commented that the discussion became heated at times and expressed his opinion that Matthew Mercurio, the new Recreation Director, and Carol Roux, Assistant Recreation Director, both handled themselves very well. He advised that many people were angry believing that softball has not been treated well, but the discussion ended in a much better place. C LaMastra remarked that the issue pertained to the allocation of field space as there is not enough. She advised that the Mr. Mercurio is working very hard to appease everyone. Mayor Rustin expressed his concern over the inference that the softball field at Sunnyside is inferior because it is not a turf field.

Mayor Rustin

Mayor Rustin advised that last Thursday he and C. Zinna met with Kathy Donovan, County Executive. They discussed her support of the Light Rail. She has sent a letter to NJ Transit, pushing for the Light Rail to end in Englewood. They also discussed the need for financial support to improve the Borough's intersections. Mayor Rustin commented that County Executive Donovan, Chief of Staff, and County Administrator are all very receptive to hearing from the municipalities.

There was a piano concert at the Library this past Sunday.

Mayor Rustin attended a Mayor's Breakfast with State Senators Weinberg, Cardinale, and Sarlo. There was discussion regarding the energy receipts tax and the potential for losing the COAH trust fund money on June 30th. The mayors urged that the deadline be extended or eliminated completely. Mayor Rustin advised that he spoke with the Acting Commissioner of the DCA yesterday regarding the spending plan and was told that they are reviewing the document, but may not be able to make a decision.

The annual JIF breakfast was this morning and Mayor Rustin reported that Tenafly received two awards, a gold certification for the 2011 Safety Incentive Program and the most consistent safety award with a cash incentive of \$1,000. He advised that Carol Byrne, Tax Assessor, is also the JIF Board Director.

Mayor Rustin attended a luncheon with Congressman Scott Garrett. The discussion

centered on the federal budget as they have been working without one for 1,000 days.

Councilman Barzelatto

Mr. Barzelatto attended a fire instructor program which included five twenty-minute sessions on fire safety. He advised that he sent an email to the Board of Education and Lynn Traeger, Superintendent of Schools, to ask if he can present this program. If they accept, he would like to put the segments on Channel 77. Mr. Barzelatto also reported that he, along with Chief Bruno, will be giving a presentation to high school seniors on safety when going away to college.

Councilman Warms

Mr. Warms reported that the Nature Center will be having their Founders Day Dinner Sunday night at the Clinton Inn with Senator Lautenberg as the honoree.

Councilman Honig

Mr. Honig had no report, but questioned whether Joint Use had scheduled a meeting. Borough Administrator Thompson-Chin advised that no meeting has been scheduled, but the bid opening for the generator is scheduled for April 3rd.

OLD BUSINESS:

C. Kerge announced that the Saturday edition of the Wall Street Journal had a full-page article about Tenafly. She advised that she had one small quote and commented that the article was very thorough.

C. Barzelatto asked to get an update on the status of installing a sidewalk on Knickerbocker Road between Riveredge Road and Bennington Court.

NEW BUSINESS:

- Recognition of the Tenafly Tigers Hockey Team

C. Honig reported that that on Friday night, the Tenafly Tigers hockey team made it to the State finals. They had the opportunity to play at the Prudential Center, but lost by one goal with 5 minutes to go in overtime. He requested that the efforts of the team and coaches be recognized in a formal way. Mayor Rustin advised that he had reached out to the Tenafly Elks to see if the hockey team can have a float in the Memorial Day Parade. C. LaMastra agreed that the players should be honored, but expressed her opinion that Memorial Day is a sensitive day reserved to honor soldiers and may not be the appropriate time. Mayor Rustin acknowledged C. LaMastra's concerns and stated that it would be done in a tasteful way. C. Honig suggested that the players wear American flag pins or salute the soldiers.

- Hudson Avenue Tree Removal

Mayor Rustin informed Council that there are a significant number of residents who are upset about a Hudson Avenue property that recently sold. He explained that the property

had been subdivided, one owner sold to the other owner, and the new owner clear cut the other property. Mayor Rustin advised that the property owner did not have to get permits according to ordinance. He assured Council that the Borough Engineer is looking to see if the Borough has any recourse. The DEP is also involved as there is a small stream that empties into a tributary of the Tenakill. Mayor Rustin commented that the Council is looking to amend the tree ordinance in the fall and perhaps it can be amended in a manner to prevent a situation such as this one from taking place again in the future. C. LaMastra stated that as the ordinance is currently written, it does not apply when construction is not involved. C. Honig questioned whether the homeowner is now prevented from constructing a home on this property. C. Zinna recalled that there is only a window of time during which construction cannot take place.

- #R12-111/Introduce 2012 Municipal Budget

C. LaMastra moved that Resolution # R12-111/Introduce 2012 Municipal Budget, be approved and set April 24, 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 the adoption of the 2012 Municipal Budget. Seconded by C. Barzelatto.

C. Kerge stated that she is pleased that the budget is down to level that it is, but would like to have 0% budget increase. She asked whether it was possible to review old Capital ordinances to see whether there are funds that can be used to offset the budget. CFO Vinci advised that there are \$2 million balances in old ordinances that are committed for various 2010 and 2011 projects, including the Police Headquarters. He explained that bonds cannot be canceled arbitrarily, but would have to be done through Bond Counsel. He believes that if this process were to begin now, it would pose a problem in adopting the budget by the State-mandated deadline. He further explained that because there have been unused balances in old ordinances, they have been able to fund current projects without borrowing new funds. Borough Administrator Thompson-Chin advised that as part of the cash flow analysis, old ordinances were just canceled last year. She explained that when utilizing balances, like projects are matched to like projects, eliminating the need to borrow new money and increase debt unnecessarily. C. Honig commented that perhaps new money could be borrowed at a lower rate. Mr. Vinci advised that the current debt interest rate is 3.75%. C. Honig advised that rates are now 1% to 1.5% and questioned whether an estimated amount for anticipated revenue can be placed within the budget. Mr. Vinci responded that all anticipated revenue must be fully documented or else it will not be approved. He advised that this budget is only being introduced and there will be opportunity to have it amended. C. Honig expressed his opinion that the Borough Auditor should be engaged to complete a two to three-year forecast to consolidate debt. Borough Administrator Thompson-Chin pointed out that the Borough aggregates funds from old ordinances and uses these funds to match grants so that tax dollars do not have to be budgeted. She also advised that they were able to utilize capital dollars to perform emergency repairs. She finished by stating that the Borough Auditor is already preparing a financial analysis and looking at the current debt situation.

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

- Resolution **#R12-108**/Award Contract /Jim Moscone Plumbing & Heating, Inc./Plumbing of the Concession Stand Building

C. Honig questioned why the quote is the same as was proposed prior to the DPW completing the excavation work. C. Warms advised that according to a letter dated June 24, 2011, the excavation work had been quoted separately.

Motion by C. Zinna, second by C. Barzelatto that #R12-108 be approved.

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

All members present voting in favor, Resolution #R12-108 was approved.

- Resolution **#R12-109**/Award Contract /Vintage Builders/Framing of the Concession Stand Building

C. Honig questioned whether the framing has been completed. Mayor Rustin responded he believes it is almost, if not already, completed.

Motion by C. Kerge, second by C. Barzelatto that #R12-109 be approved.

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

All members present voting in favor, Resolution #R12-108 was approved.

- Introduction of Ordinance

C. Zinna moved to introduce and pass on first reading Ordinance 12-04 on first reading and setting March 27, 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 ordinance. Seconded by C. Warms:

Borough Clerk read the ordinance into the record:

ORDINANCE NO. 12-04 - 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.

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

AUDIENCE REMARKS FOR NON-AGENDA ITEMS:

No one came forward.

MAYOR'S REMARKS:

A. COAH Development Fees Trust Fund Letter to District 37 Legislators

Mayor Rustin advised that he has rewritten a letter originally prepared by the Mayor of Harrington Park regarding COAH trust funds. He advised that the letter will be also be sent to Assemblyman Gordon Johnson, Assemblywoman Valerie Vainieri, Senator Cardinale, and Senator Sarlo.

B. Proclamation - Days of Remembrance of the Victims of the Holocaust

Mayor Rustin read the proclamation marking the week of April 15th through April 22nd as the Days of Remembrance in memory of the victims of the Holocaust. He commented that what goes on in some parts of the world today is very scary and it does not appear that we have not learned our lessons.

CLOSED SESSION

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 12-112.

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. Collective Bargaining
 - 1. Contract Negotiations Update
 - 2. PBA Local 376 – Health Care Benefits Grievance
- B. Personnel
 - 1. Recreation Department – Leave of Absence
 - 2. Administration Department – Employee Extended Sick Leave

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. Honig, seconded by C. LaMastra, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 9:24 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 10:03 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk