

# **Borough of Tenafly**

## **MAYOR AND COUNCIL**

### **MINUTES**

**TUESDAY, MARCH 27, 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 8:41 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. Barzelatto, and all other members voting in favor,

BE IT RESOLVED that the Minutes of the February 21, 2012 Budget Meeting, March 6, 2012 Work Session, March 8, 2012 Budget Meeting, March 13, 2012 Public Meeting, and March 13, 2012 Closed Session (not to be released) are approved.

#### REVISIONS TO AGENDA:

None.

#### Presentations – Lt. John Faivre -25 Years of Service – Police Department

Mayor Rustin advised that tonight Lt. John Faivre is being recognized for his 25 years of service to the Borough of Tenafly. He expressed his opinion that Lt. Faivre epitomizes what an officer should be as he upheld the rules but did so with fairness and decency. He stated that Lt. Faivre's retirement is a tremendous loss to the Tenafly Police Department. He presented Lt. Faivre with a clock, thanked him for his service, and wished him happiness, good fortune, and good health in his retirement.

Lt. Faivre stated that he is honored to receive this clock as he put his heart and soul into the job and expressed what an honor it was to work with his fellow officers. He asked that the governing body consider recognizing all employees as they all give of themselves. He finished by expressing that it was a blessing to be able to walk in father's footsteps.

#### PUBLIC COMMENTS:

Johanne Gambrell, Ravine Road, advised that in 2009, 33 businesses in central business district petitioned the Mayor and Council to limit street fair closures to one time each year and not be scheduled close to a holiday or major community affair such as graduation. She explained that these businesses experienced significant loss of business on dates that street fairs were held and no new customers were brought into their stores. She stressed the importance of remembering that the businesses pay taxes, not the vendors.

Robin Odabash Brown, Marcotte Lane, Bergenfield, stated that she is a partner of Kent Realty and Management, a real estate company owning several commercial properties in town. She advised that she attended the BID meeting last Monday and expressed her opinion that the BID is operating with limited transparency and communication as there has been no minutes posted, no notice of the hiring of a new director, no notification of a new website, and no direct contact with BID members since the June 2011 tax bill. She commented that she had previously voiced her concern over a bill that did not include a dollar amount to be charged. She remarked that the draft budget indicates that it has doubled, but is inaccurate, incomplete, and simply a cash flow projection. She questioned

who audits the BID's financials and expressed her belief that a financial accounting should have been issued to the BID members. She advised that the business list on the website is inaccurate and lacks contact information. She pointed out that there is a position in the budget for an assistant, but does not believe that there is evidence that an assistant is needed. She expressed her opinion that the bylaws should be amended to allow two councilmembers to serve as Martha Kerge has brought five new businesses to the community and promotes business diversity and occupancy. She also requested that if the BID board is increased to 11 members, the new members be non-retail business owners with an equal number of men and women serving on the board. She made some recommendations for the future which included eliminating the director, merging the BID and Chamber of Commerce to create a marketing plan and assistance package for businesses, encouraging all business owners to use brokers, urging every business to join the Chamber of Commerce for \$125, and placing the signage project on hold.

CONSENT AGENDA:

- #R12-113/Approve Expenditures as of March 21, 2012.
- #R12-114/Authorize Issuance of License to Peddle Ice Cream - License No. I-1-2012 – Corbo.
- #R12-115/Approve Interlocal Agreement - the Borough of Paramus – 911 Emergency Telephone Services
- #R12-116/Authorize Amendment of Contract/Dedicated Project Services, LLC.
- #R12-117/Authorize Receipt of Bids/Repair and Maintenance of Police Vehicles.
- #R12-118/Authorize Receipt of Bids/ Repair and Maintenance of Traffic Signals and Related Equipment.
- #R12-119/Authorize Issuance of Outdoor Seating Permit/Hamsa
- #R12-120/Authorize 2011 Appropriation Reserve Line Item Transfers
- #R12-121/Authorize Tree Mitigation Escrow Refund/27 Wright Place.
- #R12-122/Authorize Escrow Refund and Return of Letter of Credit/Lubavitch on the Palisades.
- #R12-123/Revise Final Payment/Tobar Excavating, Inc/Stream Retaining Wall Repair.
- #R12-124/Authorize Escrow Refund and Return of Performance Bond/IPPCO, Inc.
- #R12-125/Approve Raffle Applications/RA 1011 – RA 1013
- #R12-126/Approve Engineering Services/Huyler Park Lighting Improvements.

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

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.

**PUBLIC HEARINGS**

**ORDINANCE NO. 12-04:**

The Borough Clerk read into the record:

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

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.

Public Comments on Ordinance 12-04.

Motion by C. Kerge, second by C. Zinna that Ordinance 12-04 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 there was proper notification given to the residents. Borough Clerk Aportela-Hernandez advised that she had notified the abutting property owners, Superintendent of Schools, and the principle of Maugham School so that notification may be given to the HSA.

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:

Councilman Honig

Mr. Honig advised that he attended an ADA meeting last Wednesday along with Andrew Hipolit, Borough Engineer, and Bob Beutel, DPW Director. There was discussion about the state of Walnut Park and the fact that there are no accessible swing sets. A plan to become ADA compliant throughout the entire municipality over the next few years was to be submitted by the Borough Engineer by March 15<sup>th</sup>. There was discussion about whether the report can go to the ADA Committee first. Council decided to have a joint meeting with the ADA Committee to review the report.

Councilman Warms

Mr. Warms advised that the Environmental Commission met and discussed the need to begin applying for quiet zones. They agreed that it is the primary interest of the Transportation Committee, but the Environmental Commission will also provide their input.

Councilman Barzelatto

No report.

Councilwoman LaMastra

Ms. LaMastra reported that the Welcome Committee met last Monday. They held their Maple Sugaring event at the Nature Center and it was very successful. She explained that a free year's membership to the Nature Center is included in the Welcome Packet. The committee is planning a new event in conjunction with the Library and putting together a mailing to the businesses in the community to help support the committee.

Senior Services would like information on how they were funded and whether there are restrictions on the services for which they can and cannot charge, in particular if they can charge out-of-town residents. Borough Clerk Aportela-Hernandez advised that the only documentation that she possesses pertains to improvements that were made to the Senior Center. Ms. LaMastra noted that Turf Tender Inc. donated landscaping services for the front of the center. She commented that the Senior Center is a wonderful service to community.

Mayor Rustin

Mayor Rustin reported that last Sunday night was the Nature Center dinner honoring Frank Lautenberg and it was a tremendous success.

Councilwoman LaMastra

Ms. LaMastra advised that the Borough does not have a list of business owners who rent space in commercial buildings and the BID is in the process of trying to compile such a list.

C. Honig questioned why the BID is having their Taste of Tenafly during the holiday week. C. LaMastra commented that the BID Board voted on that date. She explained that they chose a Wednesday as it is the slowest day for retail businesses. C. Honig commented that the Fire Inspector is going from business to business to conduct inspections and questioned why the BID can't use their list. C. LaMastra responded that he, too, is compiling his list.

She further advised that the BID is working on bringing a fresh market into Tenafly which will

require 40,000 square feet. The BID audit has been completed and will be forwarded to the governing body.

Councilman Zinna

Mr. Zinna reported that Youth Services met last week. Instead of using a vendor, they would like to see if it is possible to purchase snacks wholesale with their petty cash account. There was also discussion regarding renting out their facility for private events. Mayor Rustin advised that they should make a formal request to the governing body.

Councilwoman Kerge

Ms. Kerge advised that the Board of Adjustment will be meeting on April 2<sup>nd</sup> and the Library Board on April 9<sup>th</sup>. She noted that Historic Preservation will not meet until April 19<sup>th</sup> due to the holidays.

#### OLD BUSINESS:

Councilman Barzelatto advised that the Volunteer Fire Department contacted him and expressed their concern over the fire and safety supply budget being reduced by \$1,500. Borough Administrator Thompson-Chin responded that their budget can be amended

C. LaMastra advised that the Ambulance Corps met on Monday and they have two new members, a father and daughter.

#### NEW BUSINESS:

- Introduction of Ordinance

C. Zinna moved to introduce and pass on first reading Ordinance 12-05 on first reading and setting April 10, 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 Tenafly Municipal Center as the place for a hearing on said ordinance. Seconded by C. LaMastra:

C. Zinna read the ordinance into the record:

ORDINANCE NO. 12-05 – BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS BY THE BOROUGH OF TENAFLY, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,057,154 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,005,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

C. LaMastra raised the issue of the sleeping area for TVAC that had been discussed at a budget meeting and questioned whether it was included in this ordinance. Borough Administrator Thompson-Chin advised that there is not anything specifically in the budget as they first need to identify space for the sleeping area. She explained that the ordinance can always be amended.

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

- **#R12-127/Amend 2012 Temporary Budget**

Motion by C. LaMastra, second by C. Barzelatto that #R12-127 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, the #R12-127 was approved.

- Other New Business

C. Barzelatto advised that a crisis and preparedness booklet has been prepared under the Emergency Management budget. He explained that it discusses issues such as power outages, terrorism, explosions, hurricanes, floods, earthquakes, fire safety, workplace watch, and business continuity as well as provides emergency contact numbers. He advised that he would like to work out how to distribute this booklet out to all residents.

C. LaMastra noted that News 12 took a tour of the new Police Headquarters and commented that it would be nice for the governing body to be given a tour and perhaps have a ground breaking. Mrs. Thompson-Chin advised that it is still considered a construction area until the move-in date scheduled for April 3<sup>rd</sup>. Council decided to meet a half hour early on April 3<sup>rd</sup> to take a tour.

C. LaMastra advised that she was contacted by Bob Kutik, President of the Chamber of Commerce, who questioned whether there is still a line item under business development to fund rides for the street fair. Mayor Rustin responded that they also need to fund the fireworks and concerts and is unsure whether the rides would be a higher priority. He advised that donations are coming in, but not a rapid pace and suggested placing this item on a work session for discussion.

C. LaMastra requested that there be a discussion on the improvement of services such as leaf collection versus bagging. Mayor Rustin replied that if there is a particular item that she wishes to be discussed, she should bring it up under For the Good of the Order to have it placed on a work session.

**MAYOR'S REMARKS:**

A. Environmental Commission Appointment – Mary Norman – Alternate #2.

Mayor Rustin advised that there is a vacancy in the Environmental Commission and Mary Norman, a resident of Tenafly for three years, was recommended by several people.

B. Response to Public Comment – Chamber of Commerce Street Fair

Mayor Rustin responded to Ms. Gambrell's comments regarding the Chamber of Commerce street fair. He explained that the 2009 petition occurred after a year in which there were three street fairs and a lot of businesses felt that this number was excessive. He advised that there was a compromise reached that street fairs would be limited to twice a year. He encouraged more merchants to get involved and improve the Chamber if they feel that it is not working well for them. He expressed his opinion that the Chamber members work hard, but there are a lot of absentee merchants. C. Warms confirmed that the street fair schedule over the past two years was a compromise. Mayor Rustin further advised that some facets of the street fairs have been changed to make them more palatable. He agreed that there are some legitimate concerns about the downtown and commercial properties going out of business. He expressed his belief that everyone needs to work together to promote the downtown and try to fill the vacancies by making the process of establishing a business more user-friendly.

**CLOSED SESSION**

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 12-128.

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. Litigation/Attorney-Client Privilege.
  - 1. Kurtz v. Borough of Tenafly et al
  - 2. Proposed Affordable Housing Contract
  
- B. Collective Bargaining
  - 1. Contract Negotiations Update
  - 2. PBA Local 376 – Health Care Benefits Grievance
  
- C. Personnel
  - 1. Department of Public Works – Medical Status

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 continue the Committee of Whole 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 9:40 p.m.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. Kerge, second by C. Kerge, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:41p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC  
Borough Clerk