

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, APRIL 10, 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 8:07 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:

Mr. McClure reported that Resolution #12-145 is being removed agenda.

AUDIENCE REMARKS FOR AGENDA ITEMS:

Robin Brown – Kent Realty – 19 Franklin Street – commented that nothing of substance has been accomplished by the BID; that Tenafly doesn't require a bid solution; signage is a premature project as parking issues and vacancies must be addressed; requested suspending BID tax for one year and preserve current funds while BID board be reorganized; requested to be listed on work session to present ideas on solving parking issue.

Laurie Starr – 21 Stanton Rd – commented on the \$65000 salary for a part-time director, the surplus of over \$130,000, how the lack of a track record reflects poorly on whole town; requested Council to rethink the BID.

Mark Feldman – 133 Lylewood Drive – spoke about clearing out unused balances of old bond ordinances.

Gordon Uehling – Tenafly Racquet Club – inquired about Council's perspective on the BID. Mayor Rustin responded that Council will discuss the BID when their budget is introduced later in the meeting.

CONSENT AGENDA:

#R12-129/Approve Expenditures as of April 4, 2012.

#R12-130/Authorize Refund/Tree Mitigation Escrow/47 Sunset Lane

#R12-131/Authorize Refund/Tree Mitigation Escrow/104 Elm Street

#R12-132/Authorize Refund/Planning Board Trust PB#1-11-12/Toast Bagel & Deli

#R12-133/Authorize Refund/Planning Board Trust PB#1-11-10/Sanford Dorf

#R12-134/Authorize Refund/ New Construction, Pool and Soil Moving Bonds and Escrow/33 George Street

#R12-135/Authorize Refund/Planning Board Trust PB#1-08-08/115 County Realty, LLC

#R12-136/Approve Raffle Applications/RA 1014 – RA 1016

#R12-137/Authorize Execution of Agreement to Accept World Trade Center Artifact

#R12-138/Authorize \$750.00 Transfer from 11 Elm Street Tree Mitigation Escrow Acct #80446 into Borough Tree Replacement Fund

#R12-139/Authorize \$1,000.00 Transfer from 188 Hickory Avenue Tree Mitigation Escrow Acct #80448 into Borough Tree Replacement Fund

#R12-140/Authorize Refund/Soil and Road Bonds and Engineering Escrow/90 Coppel Drive

#R12-141/Authorize Refund/Variance Application Escrow/15 Central Ave

#R12-142/Authorize Refund/Variance Application Escrow/86 Highwood Ave

#R12-143/Calling for the Immediate Restoration of Funding Diverted from Energy Taxes Intended for Local Use

#R12-144/Approve Outdoor Seating Permit/Brasserie

#R12-145/~~Execute Agreement/County of Bergen/Telephone Alerting System removed~~

#R12-146/Confirm Tax Sale/October 19, 2012

Motion by C. LaMastra, second by C. Zinna 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. 12-05:

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on March 27, 2012, and posted on the bulletin board of the lobby of the municipal center.

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.

Public Comments on Ordinance 12-05.

Mark Feldman - 133 Lylewood Drive – remarked that Council is doing business as usual by approving of new capital projects without adequately dealing with the huge backlog of capital projects unspent going back 15 years; that funds from the Police headquarters project for should be used tax payer relief; and the budget was passed a few years ago in June, so he did not understand what was the rush.

C. Honig responded that the auditor was with reviewing of all projects and moneys but due to the budgetary time frame, actions based on report will assist in formulating next year’s budget.

C. LaMastra advised that the Borough cannot touch unexpended funds from the Police headquarters project cannot be touched because the project is still active with a punch list of items. She advised that any leftover funds will be discussed, but as the auditor advised at last week’s work session, the Borough cannot inject funds as a one year fix, but it will be spread out over several years to keep taxes stable.

Mrs. Thompson-Chin stated that budgets are passed based on state deadlines that municipality are required to adhere. A couple of years ago, the state pushed the dates back to allow municipalities to adjust to new cap restrictions.

Motion by C. LaMastra, second by C. Warms that Ordinance 12-05 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

Board of Adjustment: An application is being considered for the Farley residence to rebuild the barn and carriage house with an addition upstairs. At the next meeting Rabbi Shain will present plans to expand school.

Library Board: There is continuing discussion regarding electronic books. There is a desire to see

the landscaping improved outside the side and back windows closer to the brook area by either donated work by the landscapers in town or for the DPW parks department. The Board is very concerned about the low membership in the Friends of the Library organization. Ellen Rochford was honored for her involvement with the Library for past 43 years with a plaque & afternoon reception.

Councilwoman LaMastra

Recreation Board: The annual Easter Egg Hunt was conducted at the Roosevelt Commons this past Saturday and it was a nice community event.

Councilman Warms

Chamber of Commerce: The Chamber is proceeding with plans for its annual street fair on June 9th and 10th. Their marketing company will visit the all the business in town to address any concerns and to encourage participation.

OLD BUSINESS:

- Conceptual Plan for Fire Department Memorial

Mayor Rustin stated that he received a call from Governor Christie's office that the Borough is being award a piece of steel from the World Trade Center and they plan to hold a presentation on April 30th with details to follow. He explained the conceptual plan of the memorial to include the piece of steel, the bell, and fire ring, which was recently removed due to the Police headquarters construction and deterioration of pillars supporting ring. The goal is to create this space without using taxpayer funds by holding a fundraiser.

Mayor Rustin acknowledged the efforts of C. Barzelatto, who lobbied for the Borough to obtain one of the last remaining pieces of steel from the World Trade Center. C. Barzelatto described the arrangements to have a caravan of the Fire Department, Police Department and TVAC pick up the steel from John F. Kennedy Airport.

- C. Honig requested a status on installing a sidewalk on Central Avenue between Piermont Road and Tenaflly Road. Mrs. Thompson-Chin advised that there are currently 3 other outstanding sidewalk and curb issues, but this location will be reviewed and is a higher priority location.

NEW BUSINESS:

- **#R12-147/Amend 2012 Temporary Budget**

Motion by C. LaMastra, second by C. Zinna that #R12-147 be approved.

C. Honig inquired about adding \$400,000 for waste collection services. Mayor Rustin responded that the funds come out of 2012 budget, but bills need to be paid. The purpose of the temporary budget is to pay for items and services expended until the official budget is adopted.

On a roll call, the vote on #R12-147 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 #R12-147 was approved.

- Introduction of Ordinance

Motion by C. Warms to introduce and pass on first reading Ordinance 12-06 and setting 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 said ordinance. Seconded by C. LaMastra:

C. Warms read the ordinance into the record:

ORDINANCE NO. 12-06 - AN ORDINANCE TO ADDING SECTION 18-1.6 ENTITLED "INSPECTIONS" TO CHAPTER XVIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, WHICH IS ENTITLED "SEWERS."

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

- **#R12-148/Introduce 2012 BID Budget**

C. Honig thanked Ms. Brown for her time and effort to study the issue and shares her concerns. He expressed that he had never been comfortable with the executive director situation, the lack of communication and that the majority of the budget is to pay people. He stated that he would like Borough auditor to review the BID's finances and that he supports the idea of suspending further collection of taxes, so that the BID can demonstrate what they can do with the money they have.

C. Kerge recommended postponing the introduction of the BID budget and to request that the board come back with a more cost conscious budget.

C. Warms noted that the BID needs to provide a timeline of when things will be accomplished.

C. LaMastra explained that the BID board is composed in majority of business owners – who have vested interest and also pay into the BID. While many communities have many vacancies, Council had the forethought to form the BID after receipt of a grant and consultant study. There had been a lot of education, training, formation of a corporation with bylaws, so time has been wasted. The role of the BID is not something the Chamber of Commerce can handle. All BID meetings held in Borough Hall, are noticed accordingly and are open to the public. Board members have reached out to businesses to become involved, but people just don't have the time. She asked Council to introduce the budget and have further discussion. She reminded Council that the first full budget wasn't adopted until 2011, since a half year budget was adopted in 2010.

C. Honig inquired what ideas have been presented in 4-5 months by the new director. C. LaMastra responded that the director found auditor and accountant and that the Library and Nature Center have their own auditors. The director will hold a meeting on April 25th in the Clinton Inn with the businesses to discuss the budget, as well as goals and objectives. C. LaMastra explained that the website was created, as well as Facebook account. The director has been attending Chamber of Commerce meetings. The BID is in the process of branding the community, not just purchasing signs.

Mayor Rustin advised that he had strong reservations on the BID, but Council had a number of public meetings and the business owners that attended the meetings had supported the concept of the BID. He is not satisfied with what bid has produced to this point, but the organization has gone through formation stage. Now is time for the BID to produce and move forward. All businesses are suffering as there vacancies are everywhere. It is a bad economy and it will never be the same as 50 years ago in small towns. People mainly shop at malls on the highways. Tenaflly's business district needs to change and evolve and he hopes the BID would get us there. He urged the business community to give the BID one more year, should governing body adopt the bid budget.

C. Kerge commented that the next 4 weeks will be telltale for the BID. She wants the BID to succeed, but thinks they need to work a little more closely with the expenses.

C. Honig remarked that he does not agree with full-time pay for part-time work and that the current director is not better than the first director. He commented that the BID needs to produce meaningful changes, should work with the money they already have and submit a business plan.

Mr. McClure advised that if Council does not vote in favor of introducing the budget and setting a hearing date, the BID would have to offer a new budget or try to convince Council to move ahead with this budget. Even if Council votes in favor to set a hearing on May 15th, the governing body doesn't have to approve it.

Motion by C. LaMastra that Resolution # R12-148/Introduce 2012 BID Budget, be approved and set May 15, 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 the adoption of the 2012 BID Budget and Confirmation of Assessment.
Seconded by C. Zinna:

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

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

AUDIENCE REMARKS FOR NON-AGENDA ITEMS:

Mark Feldman – 133 Lylewood Drive – commented that he was not aware the State gave a deadline on using COAH funds and that the general public needs to be notified of time frame and all the options; remarked that he raised the issue of public accessibility to the field use schedule to Recreation Commission and that he does not know when the commission will bring this forward to Council.

Mayor Rustin responded that Tenaflly does not have too many other options for spending the accumulated COAH funds; the threat of the State taking funds away from municipalities has been in the news for the past several weeks and has been front page news in the Record. The deadline was June 30th, but was recently moved to July 17th. Front page of the record. With regards to field space, that is an issue for the Recreation Board and Recreation Department and is not something that will be brought to the Council.

C. LaMastra advised that she has repeatedly reported that there is a great amount of pressure on the availability of fields for the various sports organizations. The Recreation Director is working with the groups. Although there is a lack of space, the situation is being worked out and the allocation of field space is a computerized system used by the Recreation Department.

Laurie Starr – recommended posting of BID minutes on the Tenaflly website. C. LaMastra responded that she will coordinate the posting of the minutes on the Borough website with the Borough Clerk.

George Hodges – Masonic Lodge of Tenaflly – informed Council that the Lodge funds a learning center for dyslexic children and the organization will be having a recycling drive for electronics, in which proceeds from the collection will one or two scholarships. He is seeking support for the April 21st and 22nd drive. People can drop off electronics at the Lodge or contact the members to pick up the electronics at their homes. The Lodge will also hold a pancake breakfast. He congratulated for C. Barzelatto for obtaining the World Trade Center steel.

C. Barzelatto responded that there will be a memorial and an outreach for the dedication of the memorial, which will also include civic organizations.

MAYOR'S REMARKS:

Mayor Rustin read into the record a proclamation designating April 2012 as Alcohol Awareness Month.

C. Warms read into the record a proclamation in which Mayor Rustin designated April 2012 as National Donate Life Month in the Borough of Tenaflly.

C. Barzelatto requested that a discussion concerning the Senior Center be listed for the April 24th work session.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. Honig, second by C. LaMastra, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:28 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk