

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, APRIL 24, 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
Chief Financial Officer Gene Vinci

At 9:28 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 March 27, 2012 Work Session, March 27, 2012 Public Meeting, and March 27, 2012 Closed Session (not to be released) are approved.

REVISIONS TO AGENDA:

Mr. McClure advised that R#12-166 and #12-171 are being removed from the Consent Agenda and will be listed under New Business.

PUBLIC COMMENTS:

Gerry Kotch – 22 Wight place – commented that it is a total disregard to the public to start this meeting at 9:30 p.m. and that the last meeting started 45 minutes late while Council toured the new Police headquarters.

Katherine Sperling-Green – 103 Hillside Avenue – described being a co-guardian of a cousin on the autistic spectrum; spoke about Allendale affordable housing project for special needs; and stated that she knows of 5 members of the community who can benefit for special needs housing project in Tenafly.

Rebecca Gordon – 89 Elm Street – reported that her neighbor is cutting down trees and that her backyard neighbor also cut down a tree. She now doesn't have privacy or shading and wants to save the trees. Mayor Rustin responded that the Borough Administrator will have DPW Director inspect the situation.

Carol Geisenheimer – 2 Park Street – presented a solution to the parking situation in the downtown with regards to empty lots for permit only lots and expressed opposition to the BID budget.

Sally Tether- 121 N. Summit Street – advocated for repeal of BID tax.

Bob Corley – 137 Piermont Road – La Promenade – commented that he did not see benefit to the BID and does not see where the money is going.

Marlin Friedberg – Friedberg properties – stated that the BID tax is not very inviting for businesses to rent stores in Tenafly.

Robin Brown – 19 Franklin Street – expressed her opposition to dollars being spent by the BID in that excessive fees are being paid to consultants without accountability or results.

Johanna Gambrell – Ravine Road – described her concerns with an out of town director, that the Taste of Tenafly event was not customer friendly, and that the BID seems to be a jobs program for friends of the director instead of promoting the business community.

Laurie Starr – Stanton Road – encouraged Council to think of which towns are pretty and upscale and those who aspire to be like Tenafly; commented that a lot of signs cheapen the town.

Mark Feldman – 133 Lylewood Drive – commented that with regards to the international property maintenance code, Council needs to quantify the financial impacts on the individual homeowners.

CONSENT AGENDA:

- #R12-150/ Approve Expenditures as of April 18, 2012.
- #R12-151/ Authorize Tree Mitigation Escrow Refund/56 Norman Place
- #R12-152/ Support A-2717/4-Year Extension to Expend Municipal Housing Trust Fund Dollars
- #R12-153/ Authorize Use Variance Escrow Refund/26 Washington Street
- #R12-154/ Authorize Execution of 2011 Recycling Tonnage Program Reporting Form
- #R12-155/ Authorize Performance Bond Refund/Jewish Community Center
- #R12-156/ Authorize Use Variance Escrow Refund/VCA Group LLC
- #R12-157/ Certify 2011 Recycling Tax Reimbursement
- #R12-158/ Authorize Planning Board Escrow Refund/Grove Street at Tenafly, LLC
- #R12-159/ Authorize Street Opening Refunds/Various
- #R12-160/ Support A-2454/Eliminate Unemployment Benefits for Seasonal Workers
- #R12-161/ Authorize Execution of Certificates of Exemption/Fire Department
- #R12-162/ Authorize Tree Mitigation Escrow Refund/100 Hillside Avenue
- #R12-163/ Authorize Use Variance Escrow Refund/30 Riveredge Road
- #R12-164/ Amend 2012 Meeting Schedule/Special Closed Session/May 8, 2012
- #R12-165/ Authorize Steep Slope Variance Refund/52 Churchill Road
- ~~#R12-166/ Extend Contract for Dedicated Project Services moved to New Business~~
- #R12-167/ Authorize Receipt of Bids/Resurfacing of Columbus Drive
- #R12-168/ Authorize Site Plan/Use Variance Escrow Refund/22 Jersey Avenue
- #R12-169/ Authorize Refunds/Tax Court Judgments 2009-2011/Various
- #R12-170/ Approve Raffle Applications RA1018 - RA1020
- ~~#R12-171/ Authorize Tree Mitigation Escrow Refund/151 Deerfield Drive moved to New Business~~

Motion by C. LaMastra, second by C. Warms 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

A. ORDINANCE NO. 12-06:

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on April 10, 2012, and posted on the bulletin board of the lobby of the municipal center.

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."

Public Comments on Ordinance 12-06.
No one came forward.

Motion by C. Warms, second by C. LaMastra that Ordinance 12-06 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. Honig: aye
C. Kerge: aye

C. LaMastra: aye
C. Warms: aye
C. Zinna: aye

B. Other: Amendment and Hearing of 2012 Local Municipal Budget

i. #R12-172/Read Budget by Title Only

Motion by C. Zinna, second by C. LaMastra that #R12-172 be approved.

On a roll call, the vote on #R12-172 was recorded as follows:

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

C. LaMastra: aye
C. Warms: aye
C. Zinna: aye

All members present voting in favor, the #R12-172 was approved.

ii. Public Comments on Amendment of 2012 Local Municipal Budget

No one came forward.

#R12-173/Amend 2012 Local Municipal Budget

Motion by C. LaMastra, second by C. Zinna that #R12-173 be approved.

C. Honig and C. LaMastra explained that the amendment to the budget that is being presented is revenue neutral .

On a roll call, the vote on #R12-173 was recorded as follows:

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

C. LaMastra: aye
C. Warms: aye
C. Zinna: aye

All members present voting in favor, the #R12-173 was approved.

iii. Public Comments on Hearing of 2012 Local Municipal Budget

Mayor Rustin explained that this was the opportunity for the public to comment on the municipal budget that has been presented; however the Council cannot vote on its adoption because of state has not completed its review of the budget.

No one came forward.

COMMITTEE REPORTS:

Councilman Honig

Joint Use: The bids were less than ½ that what was anticipated. While the Borough bonded \$200,000, it looks like the cost will be \$83,000, plus what had been allocated for the drawings. The Board of Education hopes that the project will be accomplished by the end of the summer. Also, wheelchair access to middle school is on track.

Councilman Warms

Environmental Commission: The Commission supports a cut and leave policy for grass clippings, which returns the nutrients back to the earth.

Councilwoman LaMastra

Recreation Board: With the Police Department a Bike Rodeo was held on April 21st. Parents were grateful to have the opportunity to work with others to encourage kids to take off the training wheels. There were presentations regarding the importance of wearing a helmet, as well as riding in streets and sidewalks. They are looking to do more of these events.

TVAC: TVAC is getting ready to participate in the Special Olympics this weekend at the high school. There is ongoing conversation on dispatching since there are not enough pagers for all the members, so an alternate method is dual notification to members' cell phones. Plans are underway for the annual dinner in June.

BID: There will be a special meeting tomorrow night at the Clinton Inn at 6:30, in which invited landlords and business owners were invited to discuss the budget, to present goals and objectives, and to listen to concerns.

Councilwoman Kerge

Board of Adjustment: The Board met last evening for the specific purpose for the Lubavitch on the Palisades' application on expanding the school. The back portion of structure is a large garage space. They have purchased lots for parking and will convert garage space to classroom. The application was approved.

Mayor Rustin

Representatives of the Fire Department are going to Kennedy Airport to receive the World Trade Center steel. The Borough is honored to have obtained it. Representatives of the Governor's office and Port Authority will make a presentation on Monday at 2:30pm.

C. Barzelatto noted that the Police Department will also be part of the caravan. Tenaflly Auto Collision will use their flatbed to transport the artifact. The steel will be wrapped in the American flag. An official unveiling will held be after memorial is completed.

OLD BUSINESS:
None.

NEW BUSINESS:

- **#R12-174/**Amend 2012 Temporary Budget

Motion by C. LaMastra, second by C. Zinna that #R12-174 be approved.

On a roll call, the vote on #R12-174 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 #R12-174 was approved.

- **#R12-175/** Request Approval from the New Jersey Department of Community Affairs for the Borough of Tenaflly to Use Funds from the Borough's Affordable Housing Trust for Property Acquisition

Motion by C. Barzelatto, second by C. Kerge that #R12-175 be approved.

C. Honig commented that he is conceptually in favor of providing housing for adult children of residents that have special needs, but is troubled with the construction of the resolution, the process that has taken place, and the Mayor's involvement. He advised that he will not support the resolution because of structural, procedural and other details that cannot be disclosed.

On a roll call, the vote on #R12-175 was recorded as follows:

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

- Introduction of Ordinance

C. LaMastra moved to introduce and pass on first reading Ordinance 12-07 and setting 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 Tenafly Municipal Center as the place for a hearing on said ordinance. Seconded by C. Zinna:

C. LaMastra read the ordinance into the record:

ORDINANCE NO. 12-07 – AN ORDINANCE TO ADOPT THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE IN THE BOROUGH OF TENAFLY, AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

C. LaMastra explained that the purpose of the ordinance is to come into compliance with the international property maintenance code. The ordinance is an update to the latest version that building departments use. Mr. McClure advised that there no major sweeping changes from one version to the next. C. Barzelatto noted that every 3 years all building codes are revised.

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 |

- **#R12-166/** Extend Contract for Dedicated Project Services

Motion by C. LaMastra, second by C. Zinna that #R12-166 be approved.

C. Honig stated that he does not understand why the Borough needs to spend to coordinate the punch list and why Engineer or Administrator cannot complete these final items. C. Kerge commented that will vote against this resolution because it is like a change order.

C. LaMastra responded that when the Borough on the project, it was clear that there will be a clerk of the works to manage the project. The resolution just extends the contract for one more month at not to exceed cost of \$10,000. It would be foolish not to extend to complete the project to get the final certificate of occupancy. C. Warms reminded Council that many had all sorts of concerns about the contractor and that they hired the clerk of works to ameliorate the concerns to get the job done right. It has been done right and needs to be completed. C. Barzelatto noted that it is customary in construction business that when there is a clerk of the works that this person oversees the project to completion.

On a roll call, the vote on #R12-174 was recorded as follows:

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

- **#R12-171/** Authorize Tree Mitigation Escrow Refund/151 Deerfield Drive

Motion by C. Warms, second by C. LaMastra that #R12-171 be approved.

C. Honig advised that he will be abstaining since the refund is for his property.

On a roll call, the vote on #R12-171 was recorded as follows:

| | | | |
|----------------|---------|--------------|-----|
| C. Barzelatto: | aye | C. LaMastra: | aye |
| C. Honig: | abstain | C. Warms: | aye |
| C. Kerge: | aye | C. Zinna: | aye |

All members present voting in favor, the #R12-171 was approved.

MAYOR'S REMARKS:

Mayor Rustin read into the record a proclamation designating April 27, 2012 as National Arbor Day. He reflected on the Hudson Avenue incident and the tree cutting issue brought up by a resident earlier this evening. He expressed concern over what has been happening over the past few years to the tree population because once a tree is gone it is gone forever. The governing body will give amending the tree ordinance the highest attention as they need to balance property owners' rights and regard the community and the environment.

Mayor Rustin read into the record a proclamation designating April 29 – May 5, 2012 as Municipal Clerks Week.

Mayor Rustin noted that with regard to the special needs project in conjunction with the United Way, no one has to support something because the mayor supports it. He stated that he does not appreciate innuendos of things done improperly, that there is a difference between the roles of a mayor and that of a councilperson, and that unless people have evidence of wrongdoing, suggestions should not be made.

ADJOURNMENT:

As there was no further business to come before the Council, on a motion by C. LaMastra, second by C. Zinna , and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:32 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk