

Borough of Tenafly

MAYOR AND COUNCIL

MINUTES

TUESDAY, JULY 10, 2012

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

ABSENT: Councilmember Martha Kerge

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

At 8:30 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 Press 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. Warms, second by C. Zinna, and all other members voting in favor,

BE IT RESOLVED that the Minutes of the June 7, 2012 Special Work Session, June 12, 2012 Work Session, June 19, 2012 Public Meeting, June 19, 2012 Special Work Session, June 19, 2012 Closed Session (not to be released), June 26, 2012 Work Session, June 26, 2012 Public Meeting, and June 26, 2012 Closed Session (not to be released) are approved.

Mayor Rustin thanked the Borough Clerk for her promptness in preparing the minutes.

REVISIONS TO AGENDA:

Borough Attorney McClure advised that Resolution #R12-293/Committing for Expenditure of Certain Affordable Housing Trust Funds is being added under New Business.

PRESENTATIONS:

C. LaMastra joined Mayor Rustin in distributing the awards. Mayor Rustin advised that the governing body has made the long-overdue decision to recognize employees and volunteers. He noted that these volunteers are part of the reason that the community is as nice and great as it is and commended them on the great service that they provide to Tenafly residents.

TVAC- Mayor Rustin presented Max Moehlan, TVAC Captain, and Cheryl Reynolds, TVAC Association President, with a plaque in recognition of TVAC's 20th anniversary. He then recognized individual TVAC members with 2012 Service Awards. Mayor Rustin advised that TVAC has a partnership with the schools which serves both Tenafly and the students very well.

TENAFLY VOLUNTEER AMBULANCE CORPS (TVAC) 2012 SERVICE AWARD RECIPIENTS

Max Moehlen, TVAC Captain
Cheryl Reynolds, Association President
Jasper Basch
Joshua Bedrosian
Nick Casamassimo
Vivien Chang
Jessica Clarke
Arundel Clarke
Mike Doctor
Amy Dweck

Ian Eisenberg
Bar Ferents
Dave Finkel
Francesco Furfaro
Jason Gailes
Allen Guo
Milan Kapadia
Bryan Lapidus
Vladislav Lee
Avi Sasson
Brett Sherman
Maria Stratigis
Adam Zane

LIST OF SERVICE AWARD RECOGNITION ACTIVITIES

- Treatment of Patient Extricated from a Condemned Building
- Treatment of a Patient with Trauma from a fall of Greater than 20 Feet
- Excellence in the use of Resuscitation of a Patient in Respiratory & Cardiac Arrest
- Treatment of a Patient Struck by a Motor Vehicle
- Treatment of Several Patients Involved in a Motor Vehicle Collision
- Treatment of an Unresponsive Baby
- Treatment of a Patient with a Head Trauma
- Treatment of a Patient with an Airway Obstruction
- For Responding to 200+ Calls

TFD

TENAFLY FIRE DEPARTMENT

2012 SERVICE AWARD RECIPIENTS

William Connolly	45 Years
Alden Blackwell	35 Years
Thomas Smith	25 Years
Robert Gansel	20 Years
Chris Robins, Assistant Chief	20 Years
Nick Roux	15 Years
Lt. Scott Semone	10 Years

Mayor Rustin commented that Tenafly is so fortunate to have these wonderful volunteers and stated that the governing body will continue to provide them with the necessary tools to deliver high levels of service to the residents.

PUBLIC COMMENTS:

Johanne Gambrell, Ravine Road, asked for clarification on Resolution K on the Consent Agenda.

C. LaMastra advised that the former Borough Administrator and the BID had applied to the DCA for designation as a Main Street community, allowing the BID to receive training and access to grants.

Ms. Gambrill commented that she is so happy that she lives in Tenafly as when she required the assistance of TVAC, the service that she received was beyond wonderful.

Steve Savas, 40 South Park Drive, referred to Resolution M on the Consent Agenda and advised that he lives directly across street from where the proposed sidewalk is to be installed. He commented that by building this sidewalk, it will be converting an open space into an empty lot which he believes will be a loss. He also questioned the expenditure for the Thatcher portion, asking whether anyone has looked at the potential value. He suggested conducting a survey of parents to see if they would use this sidewalk. He then urged Council not to vote on this resolution.

C. Honig advised that although he appreciates Mr. Savas' fiscal concerns, the governing body had engaged Urbana/Sam Schwartz Engineering to complete a study of the Downey Drive area. He explained that Council had agreed to implement the recommendations that resulted from this study, one of which is the installation of the proposed sidewalk.

Mark Feldman, 133 Lylewood Drive, expressed his concern over the large number of property owners who will be affected by the proposed zoning changes that are listed for discussion on the Work Session agenda. He feels that those residents should be part of the decision-making process. Mayor Rustin responded that should Council decide to move forward with the proposed zoning changes, those residents directly affected and any property owners within 200 feet will receive notice that there will be a public hearing during which they can provide their input.

Mr. Feldman then questioned how the public will be able to participate in the discussion regarding the police staffing and salaries as this matter is a large chunk of budget and will have an effect on meeting the 2% cap. He asked that the public not be excluded unless it's absolutely necessary to restrict the discussion to Closed Session.

Dave Wall, 11 Cameron Road, advised that he is the Chair of the Historic Preservation Commission and asked that the governing body finalize the landmark designation of 170 Thatcher Road. Mayor Rustin responded that the ordinance to designate this property is listed under Public Hearings this evening.

CONSENT AGENDA:

#R12-280/Approve Expenditures as of July 3, 2012

#R12-281/Authorize Refund/Tree Mitigation Escrow/135 Oxford Drive

#R12-282/Authorize Submission of PSEG Sustainable Jersey Small Grant

#R12-283/Authorize Refund/Tree Mitigation Escrow/16 Woodmere Lane

#R12-284/Authorize Refund/Tree Mitigation Escrow/108 Highwood Avenue

#R12-285/Award Contract/Columbus Drive Improvement Project/Reggio Construction, Inc

#R12-286/Authorize Additional Engineering Services/Roadway and Sanitary Sewer Improvements – Tenafly Road

#R12-287/Authorize Receipt of Bids/Installation of Site Lighting/Huyler Park

#R12-288/Authorize Receipt of Bids/Installation of Site Lighting/Davis Johnson Park

#R12-289/Certify 2011 Audit

#R12-290/Authorize Execution of Main Street New Jersey Letter of Agreement

#R12-291/Issue Outdoor Seating Permits/Various

#R12-292/Award Contract/Sidewalk Installation/Downey Drive & Thatcher Road/Marini Brothers Construction Co

Motion by C. LaMastra, 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:	aye	C. LaMastra:	aye
C. Honig:	aye	C. Warms:	aye
C. Kerge:	absent	C. Zinna:	aye

All members present voting in favor, the Consent Agenda was approved.

PUBLIC HEARINGS

ORDINANCE NO. 12-10:

The Borough Clerk read into the record:

The following ordinance published herewith was first read by title only on May 29, 2012, and posted on the bulletin board of the lobby of the municipal center.

ORDINANCE NO. 12-10 - AN ORDINANCE TO AMEND THE ZONING MAP OF THE BOROUGH OF TENAFLY ADOPTED ON JULY 10, 2007 AND TO AMEND AND SUPPLEMENT THE LAND DEVELOPMENT REGULATIONS OF THE BOROUGH OF TENAFLY TO DESIGNATE CERTAIN PROPERTIES WITHIN THE BOROUGH "HISTORIC" AS SET FORTH IN THE HISTORIC PRESERVATION PLAN OF THE MASTER PLAN OF THE BOROUGH OF TENAFLY AND AMENDING CHAPTER XXXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED "LAND DEVELOPMENT REGULATIONS"

Public Comments on Ordinance 12-10.

David Wall, 11 Cameron Road, Chair of the HPC, recommended that Council vote in favor of this ordinance. As the cottage dates back to 1867, he expressed his opinion that this property is associated with Tenafly's development. He provided a brief history of the property and the various owners.

Rita Heller, 14 Marcotte Lane, member of the HPC, stated that with this designation, it will preserve a window into life beginning in 1867. She noted that the Klein family initiated the process of landmarking their property and commented that everyone involved has enjoyed watching this process through to its fruition.

Carol Klein, 170 Thatcher Road, expressed her gratitude to David Wall and Rita Heller and stated that if it were not for them, the landmarking of her property would not have come to pass.

Motion by C. LaMastra, second by C. Barzelatto that Ordinance 12-10 be passed on second and final reading and is hereby adopted and notice of same shall be published according to law.

C. Barzelatto remarked that it is wonderful to see that properties are being kept historic and feels that David Wall and Rita Heller should be applauded for their work.

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

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

ORDINANCES NO. 12-11 & 12-12:

The Borough Clerk read into the record:

The following ordinances published herewith were first read by title only on June 26, 2012, and posted on the bulletin board of the lobby of the municipal center.

ORDINANCE NO. 12-11 - AN ORDINANCE TO AMEND THE SALARY, WAGE, OR COMPENSATION OF CERTAIN ADMINISTRATIVE, LIBRARY, CIVILIAN DISPATCHERS AND PART TIME EMPLOYEES OF THE BOROUGH OF TENAFLY IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, FOR THE CALENDAR YEAR 2012.

ORDINANCE NO. 12-12 - AN ORDINANCE TO AMEND CHAPTER VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF TENAFLY, ENTITLED "TRAFFIC" IN ORDER TO PROHIBIT PARKING AT ALL TIMES ON CERTAIN STREETS

Public Comments on Ordinances 12-11 & 12-12.

There was no public comment.

Motion by C. LaMastra, second by C. Zinna that Ordinances 12-11 & 12-12 be passed on second and final reading and is 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:	absent	C. Zinna:	aye

COMMITTEE REPORTS

Councilman Zinna

No report

Councilwoman LaMastra

Ms. LaMastra reported that the Recreation Board met last night and discussed the policy of cosponsoring sports and the field usage policy. There was a joint meeting of the Board of Education and the Recreation Director about how permits for field space should be handled and it was decided that requests will first be processed by the Recreation Department and then forwarded onto the Board of Education. Recreation is moving into its third week of summer camp and a letter has been received to thank the Recreation Director for an improvement in the camp. There are 450 children enrolled, an increase of 50 children, and 86 counselors, each of whom is wearing a color-coded shirt to indicate whether they are a counselor, supervisor, or maintenance staff. The additional programs of drama, yoga, and fashion were very successful. The children enrolled in camp will be attending the Tenakill Swim Club.

Mayor Rustin

Mayor Rustin advised that the Independence Day celebration took place on July 1st and although the attendance was a little below normal during the day, it was a wonderful event. The fireworks display took place in the evening and many people felt that it was the best show to date. He also remarked that Police, Fire, and TVAC handled the safety aspect very well.

Mayor Rustin reported that he spoke with the engineer and the Concession Stand Project is winding down and the budget is in fairly good shape. The exterior doors as well as the big garage door will be installed, minor interior work completed, and the bathroom should be operational within the next week. The Recreation Board is looking at how to operate the concession stand and by Labor Day, they should be ready for the fall season.

Councilman Barzelatto

Mr. Barzelatto advised that he attended a Disaster Preparedness Conference at Bergen Community College and it was very well-attended. Mr. Barzelatto noted that he had the opportunity to speak at this forum about how communication is critical and safety is primary during an emergency situation. He will be working with Chief Bruno on a disaster preparedness forum in September that will include PSE&G and the Meadowlands Commission. He will advise on the venue and specific date.

Councilman Warmis

No report.

Councilman Honig

No report.

OLD BUSINESS:

None.

NEW BUSINESS:

A. **#R12-293**/ Committing for Expenditure of Certain Affordable Housing Trust Funds

C. LaMastra read the resolution into the record:

WHEREAS, the Borough of Tenafly obtained a second round judgment of repose with reference to its affordable housing obligation; and

WHEREAS, the Borough submitted a timely application to the Council on Affordable Housing (COAH) for third round substantive certification, which included a spending plan for affordable housing trust funds; and

WHEREAS, the third round regulations were invalidated by court action, and the issue is now pending before the Supreme Court of New Jersey; and

WHEREAS, the Borough has been and remains compliant with its known affordable housing obligations; and

WHEREAS, N.J.S.A. 52:27D-329.3(d), which became effective July 17, 2008, requires that affordable housing trust funds be “committed for expenditure” within four years from the date of collection, or be subject to possible forfeiture to the State of New Jersey; and

WHEREAS, N.J.S.A. 42:27D-329.2(a) provides that a municipality may only spend or commit to spend affordable housing development fees on compliance mechanisms approved by COAH; and

WHEREAS, the Council on Affordable Housing approved the Borough of Tenafly spending plan on June 12, 2012; and

WHEREAS, the approved spending plan included the expenditure of \$999,999 for the acquisition of a specific site that would be used for a 100% municipal sponsored construction for affordable housing, and the Borough of Tenafly has entered into contracts to purchase such property; and

WHEREAS, the Department of Community Affairs (DCA) reports on its website that as of June 5, 2012, it is anticipated the Borough will have \$1,023,935.00 in affordable housing trust funds that will be four years old by July 17, 2012; and

WHEREAS, COAH and DCA have failed and refused to provide any guidance on what the term “committed for expenditure” may mean in the context of the statute; and

WHEREAS, it is the desire of the Borough of Tenafly to commit to expend affordable housing trust funds on housing activities authorized by COAH and incorporated in the approved spending plan;

NOW, THEREFORE BE IT RESOLVED by the governing body of the Borough of Tenafly that it does hereby commit to expend the following amounts in the municipal affordable housing trust fund as follows:

The sum of \$1,023,935.00 shall be committed to the purchase price and cost of acquisition of real property identified in the approved spending plan, and such sum is hereby authorized and directed to be withdrawn from the affordable housing trust fund and deposited into the Borough’s General Capital Fund, to be designated and entitled “Reserve for Property Acquisition – Affordable Housing.”

AND BE IT FURTHER RESOLVED by the Governing Body of the Borough of Tenafly that the Mayor and Borough Clerk are hereby authorized to execute on behalf of the Borough an Assignment and Assumption Agreement of Purchase and Sale with Bergen County’s United Way (“BCUW”) whereby all of the BCUW’s right, title, and interest as in and to a certain Agreement of Purchase and Sale dated May 1, 2012 between the BCUW, as Buyer, and Ki Yung Kim and Kyung-Ja Kim, as Sellers, with reference to the property commonly known as 311 Tenafly Road, Tax Block 901, Lot 44, Tenafly, Bergen County, New Jersey, together with all of the appurtenant rights, written title report, purchase deposit in the sum of \$45,000.00, Vergona & Vergona Architects preliminary design work, and Rosenthal Appraisal Company appraisal.

Motion by C. LaMastra, second by C. Warms that #R12-293 be approved.

C. Honig commented that although he conceptually supports the idea of having housing for those with disabilities, he believes that the contract presents a risk to the Borough in its present form. He explained that as the contract reads now, the town will be left holding a property which is troubled if United Way does not raise the additional dollars. He believes that without a contingency put in place, it is too risky.

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

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

B. Other New Business

C. Barzelatto advised that he read an article on how other communities are cutting costs by reducing the schedule for municipal employees to a four-day work week. He asked that this topic be listed for discussion at a work session.

C. LaMastra questioned when the Downtown Circulation and Traffic Study is going to be listed on an agenda to move the project forward. Borough Administrator Thompson-Chin advised that she is waiting to receive a formal report and once it is received, it will be listed for action.

MAYOR'S REMARKS:

Mayor Rustin advised that the Port Authority will be coming to Tenafly on July 24th at 1 p.m. to make a presentation of the World Trade Center piece of steel and Police, Fire, TVAC and the members of the governing body are invited to attend.

Mayor Rustin remarked that he regrets more and more not finding money in the budget for summer concerts and entertainment. He expressed his hope that money can be set aside next year for concerts and movies in park as he believes that they make summers more enjoyable for the residents. C. Barzelatto suggested looking into sharing the cost of programs such as the fireworks and concerts with the Borough of Cresskill.

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 9:30 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk