

# Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, SEPTEMBER 27, 2011

The meeting was called to order at 7:32 P.M. with the reading of the Open Public Meetings Act statement by Mayor Rustin, "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 confirmed at the Annual Meeting, are posted on the public bulletin board in the lobby of the Municipal Center, published in the Record within the first 10 days of the New Year, and copies are sent to the Suburbanite and Northern Valley News."

Present: Mayor Peter S. Rustin

Council members: Anthony Barzelatto, Barry Honig (arrived at 7:39 p.m.), Martha Kerge, Nadia LaMastra, Michael Lattif, Jon Warms

Borough Administrator: Jewel Thompson-Chin  
Borough Attorney: William R. McClure, Esq.

Absent: None.

## **TO BE CONSIDERED**

### **Civilian Position for Police Department**

C. LaMastra expressed that she was not in favor of hiring a civilian at this time, but was in favor of hiring the second police officer that was budgeted for this year. She cited the shortage of staffing and the unfair burden to the police. She noted that Council spoke about promotions and keeping the structure in place, but they never talked about the philosophy of hiring. C. Warms commented that he is in favor of hiring a civilian to handle paperwork, but has seen in the last month the need for more police due to the stress of the hurricane and start of the school year. He mentioned that the force can benefit from a civilian clerk, but another officer is needed. C. Kerge recognized the current difficult economic situation, but was surprised to hear about the concept of a civilian since Council agreed to hire another police officer, which is her preference. Chief Bruno explained the impact on the reduction in staff, particularly in the Traffic Bureau and Detective Bureau.

C. Honig asked if there were specific statistics that reflect increases in crime or danger to the public. Chief Bruno responded that there is a decreased ability to deal with what they have since the department is busier than it was 25 years ago and has less staff in place than 25 years ago. He stated that it is difficult to meet state mandates. C. Honig inquired how other municipalities that are in worse economic situations are meeting these mandates.

C. Barzelatto proposed hiring the second police officer and postponing the hire of a records clerk for next year. Mrs. Aportela-Hernandez explained that according to parliamentary procedure only a member of the prevailing side of a defeated motion can raise an issue for reconsideration. C. Warms requested since all Council members are present that the hire of the second police officer be reconsidered. The consensus of the majority of Council consisting of C. Barzelatto, C. Kerge, C. LaMastra, and C. Warms authorized Chief Bruno to proceed with the hire of the second officer, which was accounted for in the adopted 2011 budget.

### **Proposed Revision to Definition of Building Coverage**

Council reviewed a letter from the Planning Board Engineer regarding the current definition of Building Coverage includes patios and decks in excess of 5% of the lot area, which is a duplication of the coverage restriction. C. Warms noted that a new Sketch 2 must be provided as part of the ordinance revision. Council directed the Borough Attorney to prepare an ordinance for review once the Planning Board Engineer provides a revised Sketch 2.

### **Stormwater Ordinances**

Mrs. Thompson-Chin advised that Mr. Hals provided the ordinances for dumpster containers and private inlet retrofitting as required by NJDEP. C. LaMastra inquired on the notification of the dumpster containers to the schools and businesses. Mrs. Thompson-Chin responded that notice of the ordinances will be incorporated in the November newsletter. C. Honig inquired why the proposed ordinances were provided by the former engineer. Mrs. Thompson-Chin advised that stormwater compliance was part of the transition tasks to be performed by the outgoing engineer. She will provide Council with an updated task list of items remaining under Mr. Hals' purview.

### **Inactive Liquor Licenses**

Mrs. Aportela-Hernandez reported that as per the Council's request from the September 13<sup>th</sup> pre-meeting, she contacted the Division of Alcoholic Beverage Control regarding the pocket licenses that have been inactive for several years and if there is any way to revert ownership back to the Borough. Once the Director of the ABC grants the renewal under a Special Ruling, the licensee has shown good cause to have the license renewed. A municipality cannot revoke a license based on inactivity. With regards to the license for 115 Sanz County Road, LLC, since the licensee filed the application for the 2011-2012 term late, the licensee must seek approval from the Director of the ABC for this term before the Council consider renewing the license. At this time, the resolution on the consent agenda for tonight's public meeting is to confirm the renewal for the expired 2010-2011 term, consistent with the current special ruling.

### **Proposed Trench Drain – 4 Huyler Avenue**

Mrs. Thompson-Chin advised that the Borough Engineer reviewed the request for the proposed trench drain. The engineer stated that the request can be permitted subject to specific conditions. Council approved the request and directed that an agreement be drafted to formally approve at an upcoming public meeting.

### **2012 Budget Overview – Proposed Additional Work Session – October 18<sup>th</sup>.**

Council authorized that an additional work session be scheduled for October 18<sup>th</sup> from 7:30pm to 10pm strictly dedicated to discussing the 2012 municipal budget.

### **Code of Conduct**

C. Barzelatto commented that two items of particular concern involve the discussion of issues concerning borough employees in public or in editorials and the adherence to the start and finish times of meetings. Mayor Rustin recommended that as it gets close to 11pm that Council take a vote on whether to continue a meeting finish business. C. Lattif noted that the current code of conduct was adopted in 2009, but the document as a whole needs to be reviewed for relevancy. It was determined that this item be listed for the first work session every January for Council to establish a subcommittee to review and bring the rules of protocol up to date. C. Honig stated that one's First Amendment rights are not lost when one becomes a member of the governing body. He recommended that in order for the Code of Conduct to be a meaningful conversation there should be a provision on how employees address members of the governing body as well.

## **ADMINISTRATOR'S REPORT**

### **Huyler Park – Phase 3**

C. LaMastra inquired on the status of the architect for the Huyler Park gazebo. Mrs. Thompson-Chin advised that the architect's contract expired, but his plans are still being used. A copy of the plans was provided to the Borough Engineer, who is preparing an engineering cost estimate. The grant for \$38,000 has been approved by the County, but she is waiting to receive the contract for the grant award in order to proceed.

### **Continued Certificate of Occupancy**

Mrs. Thompson-Chin advised that the Borough Engineer is drafting a draft ordinance on continued certificate of occupancy to present to the Council, based on the recommendation from the Construction Official and Fire Code Official.

## **CORRESPONDENCE**

B. Ellenson/Dog Park Committee                      Re:     Request for presentation at October 11<sup>th</sup>  
public meeting.

Council advised Mr. Ellenson that the Dog Park Committee can conduct a 15 minute presentation on October 11<sup>th</sup> regarding their proposal for the location and cost of a dog park.

Borough of Maywood

Re: Resolution Requesting BPU to Review Current Locations of All PSE&G Substations.

Council directed the Borough Clerk to prepare a resolution to request the BPU to review the current location of all PSE&G substations for the October 11<sup>th</sup> consent agenda.

**RESOLUTIONS** for meeting of September 27, 2011:

- A. Approve Expenditures as of September 21, 2011
- B. Authorize Refund/Tree Mitigation Escrow/3 Birchwood Place/\$600.00
- C. Authorize Renewal of Plenary Retail Consumption License 0261-33-010-008/115 Sanz County Road, LLC for 2010-2011 License Term Pursuant to Special Ruling
- D. Authorize Refund/Soil Moving and New Construction/29 Kenwood Road /\$6,415.00
- E. Authorize Refund/Tree Mitigation Escrow/41 Farview Road/\$650.00
- F. Authorize Refund/Youth Summer Camp/Caracciolo/\$590.00
- G. Authorize Refund/Tree Mitigation Escrow/98 George Street/\$800.00
- H. Approve Raffle Application #RA999/Maugham School HSA/10-15-11
- I. Adopt the Provisions of Chapter 48/Payment for the State Health Benefits Program (SHBP) coverage of certain retirees.
- J. Adopt Environmental Resource Inventory.
- K. Authorize Change Order No. 1/Rose Garden Improvements at Davis Johnson Park/Reduction in Final Contract Price.
- L. Authorize Refund/Davis Johnson Park Trust Fund/Mendez/\$50.00
- M. Authorize Discharge of Lien/Sewer Connection Fee/186 Elm Street
- N. Authorize Refund/Soil Moving and New Construction/300 Tenafly Road /\$6,256.05

**PUBLIC HEARINGS for the meeting of SEPTEMBER 27, 2011:**

- A. Ordinances: None.
- B. Other: None.

**Minutes** to be approved:

- September 6, 2011 Work Session
- September 13, 2011 Special Closed Session
- September 13, 2011 Public Meeting
- September 13, 2011 Closed Session

**OLD BUSINESS**

None.

**ADJOURNMENT:**

As there was no further business to come before the Council, on a motion by C. Lattif, second by C. LaMastra and unanimously carried, to adjourn this meeting. The meeting was adjourned at 8:49 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC  
Borough Clerk