

# **Borough of Tenafly**

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, SEPTEMBER 6, 2011

At 7:01 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 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. The notice of this meeting via the August 31, 2011 Sunshine Notice has been sent to the Record, Suburbanite, and Northern Valley news and has been posted on the public bulletin board in the lobby of the Municipal Center."

Present: Mayor Peter S. Rustin

Council members: Anthony Barzelatto (arrived at 7:08 p.m.), Barry Honig, Michael Lattif, Nadia LaMastra, Jon Warms

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

Absent: Council member Martha Kerge.

## **PUBLIC COMMENT:**

Mayor Rustin read the following statement:

Public Comments: A total of 15 minutes has been allocated for this purpose. Citizens are welcome to address the Mayor and Council on any governmental item of concern to them, whether or not it is scheduled on the agenda below. Citizens must give their names and addresses when recognized to speak. Large groups are urged to select someone to represent them. The public is advised that these meetings are recorded and are subject to the Open Public Records Act.

Dr. Warner Chen – requested to move 2 pillars from the current location in his property to a placement closer to the curb because his property is repeatedly damaged every year, especially in the winter by the private snow plowing company he retains. This item is listed on the agenda as an item of correspondence.

Council directed the Borough Administrator to review this matter with the DPW Director. If the Director does not have any objections, then the Council approval for the relocation of the pillars into the public right-of-way will be contingent to the completion of a Hold Harmless Agreement to be executed by Dr. Chen.

Liz Shanks – 30 Surrey Lane – Chair of the Tenafly Traditional Holiday Committee – requested permission to continue the 70 year tradition to place a crèche display with accompanying secular figures in Huyler Park between December 3, 2011 and January 7, 2012. This item is listed on the agenda as an item of correspondence.

Council granted permission for the holiday display as outlined in the letter from the Tenafly Traditional Holiday Committee.

Johanna Gambrill – 15 Ravine Road – inquired about the handicapped parking letter listed on the agenda, the parking ordinance scheduled for a hearing next week, and if landscapers will be discussed.

Mayor Rustin responded that the parking ordinance is to enact a no-parking restriction on Engle Street and Inness Road. He reported that the landscaping subcommittee has not met

due to the summer schedule, but when the subcommittee has concluded their review, their recommendations will be reported to the full Council.

**MEETINGS:**

**Police Chief Bruno – Hiring Process of Police Officers/Status of 2011 Hires.**

Mayor Rustin commented that before Council discusses any potential change to the hiring process, Council requested that Chief Bruno present the current hiring process. Based upon the presentation, then Council will decide whether to move forward with any discussion on changing the process.

Chief Bruno outlined the detailed hiring process from when he receives the approval to hire new officers, which includes the announcement of a written test by publishing a notice in the newspaper and writing to those who have resumes on file, the issuance and independent scoring of the written exam, the physical exam, interview process, psychiatric exam and background checks. Throughout the hiring process, those who do not move on from one phase to another are individually notified. Chief Bruno noted that in addition to the 26 weeks of training in the Bergen County Police Academy, new officers embark on an 8-10 week Tenafly field training program.

C. Lattif inquired about the difference between a newly trained officer and a Tenafly trained officer. Chief Bruno responded that a newly trained officer has the basic law enforcement skill sets. The Tenafly field training is divided in thirds. In the first portion, the new officer rides along with a field officer and observes the field officer. In the second segment, the new officer and field officer work jointly. In the final portion, the new officer is handling all the calls and the field officer evaluates the new officer during this process. The purpose of the field training is to instill a Tenafly service oriented mindset in the new officers.

Chief Bruno explained the promotion process, which includes an announcement to staff via an internal memo. The memo discloses that there are more candidates than available positions. A test is administered to those applying for the position of sergeant. The applicant's resume and personnel file, attendance records, training, assignments, accomplishments, are incorporated in the review process. Applicants are interviewed by the Chief and Borough Administrator. Applicants for lieutenant and captain are interviewed by the Chief, Borough Administrator, and Police Commission.

C. Honig advised that he compiled a survey among various municipalities in Bergen County in which 55 have a provision of advice and consent by Council for police hires and 10 do not have such a provision. 5 of the 10 municipalities are civil service. Tenafly is one of the 5 non-civil service communities that do not have a form of advice and consent. He remarked that the current hiring process is good and thorough.

Chief Bruno responded that politics has no place in law enforcement and that a reason for change is if something is failing, poses a liability, is counterproductive, or if there is a recommendation from professional and legal staff. The current process has never been challenged.

C. Honig clarified that he is not seeking to be in the origination of candidates. He wishes for Council to interview the top 3 or 4 candidates and to issue the final confirming vote.

C. LaMastra stated that just as every municipality has its own culture with the extent of involvement by the governing body, it doesn't necessarily mean it is best practices. She commented that she was tremendously impressed with the process and individuals selected for captain and lieutenant earlier this year and that the current process is tremendously proficient in obtaining the best officer for the community. She advised that she appreciated the work C. Honig did in conducting this survey.

There was no consensus among Council to move forward with changing the structure of the police hiring and promotion process.

C. LaMastra reminded Council that Chief Bruno was authorized to hire a new officer for July 1<sup>st</sup> and the hire of an additional officer was budgeted for a September 1<sup>st</sup> start date, subject to further discussion by Council.

Chief Bruno explained that due to the reduced size of the department, police officers were not stationed at the schools to coordinate traffic for the first day of school. There is the potential for 3 or 4 retirements next year, but there is no lead time for notification on retirements. Three officers are out on injuries for about 2 months. He described the impact of the current

size of the department, which is the same size as in the 1960s, on meeting training mandates that have evolved in the last 25 years and delays in following up on investigations.

Mrs. Thompson-Chin reported that the original proposal for the 2011 budget was to hire 2 officers and 1 civilian. The civilian position was not authorized in the final adopted budget.

Council authorized Chief Bruno to move forward immediately with first authorized hire and obtain a certified officer. The majority of the Council members present did not approve the hiring of a second officer.

Chief Bruno requested permission to bring forth to Council a proposal on hiring a civilian employee. Council will review the proposal at the September 27<sup>th</sup> work session.

C. LaMastra thanked Chief Bruno for a thorough report and commended him and C. Barzelatto for the preparations and response to Hurricane Irene.

## **TO BE CONSIDERED**

### **RFQs for 2012 Professional Services**

Mrs. Thompson-Chin advised Council that earlier this year, Council sought to solicit proposals for specific appointees. She inquired if it was the intent of Council to identify candidates to appoint in January, the solicitation process must begin now as there are appointments that expire on December 31<sup>st</sup>. Council determined to hold off on this discussion until the new Council is seated in January 2012.

## **ADMINISTRATOR'S REPORT**

Mrs. Thompson-Chin informed Council that there is an announcement on the website that the Skate Park is temporarily closed since the main ramp is broken. The ramp is being assessed for repair or replacement.

Mrs. Thompson-Chin advised Council that Mr. Hipolit is recuperating from surgery and expects to be back at work next week. For this week, Mr. Neihoff will be the contact person at Maser. C. LaMastra inquired about the continued one-way designation on Downey Drive. Mrs. Thompson-Chin responded that she will have an update on this matter for the September 27<sup>th</sup> work session, as she is waiting for Mr. Hipolit's review on the designation since any change must be done by ordinance. With regards to the installation of the sidewalks on Downey Drive and Leroy Street, the work went well. The first day of school was monitored by Superintendent Trager who reported that everything went perfectly and that more parents utilized the Leroy Street entrance to Smith School.

Mrs. Thompson-Chin reported that Tom Swift has agreed to serve as volunteer project coordinator for the concession stand project and the Borough is moving forward with the purchase of building materials based on the quotes received by the construction manager.

Mrs. Thompson-Chin stated that the update to the website is proceeding, which will include a Council log-in feature. Training for designated users will take place in 4-6 weeks. Afterwards, the new site will be launched. There will be a press release and an article in the November newsletter regarding the updated website. She added that with the Police Headquarters addition project, there will be about 2000 square feet of space which can be converted into 4-5 offices. Possible uses include archiving of records, centralizing storage of office supplies, a guest office, as well as a secure space for a back-up server.

## **CORRESPONDENCE**

E. Chen

RE: Request to Install Two Piers in Borough Right-of-Way

This item was addressed during the public comment portion of the meeting.

Tenafly Traditional Holiday

RE: Crèche Display in Huyler Park Committee

This item was addressed during the public comment portion of the meeting.

A. Homer

RE: Handicapped Parking in Downtown

Mrs. Thompson-Chin reported that Mr. Beutel has discussed this issue with the Borough Engineer who is reviewing the downtown area and the amount of designated handicapped parking spaces. Council directed the Borough Clerk to advise the resident that this issue is being reviewed by the Borough's professionals and that he would be informed of the outcome of the review.

At this time Council recessed at 9:24 p.m. Council resumed the meeting at 9:34 p.m.

D. Buck RE: Block Party Request for 9/10/11  
Council approved the block party request. The Borough Clerk will notify the resident.

J. Weiler RE: Request for Sidewalk on Knickerbocker Road  
Council reviewed the request and directed the Borough Administrator to forward the letter to the Police Chief for his review and comment.

NJLM RE: Tickets to League Luncheon & Women in Government Breakfast  
Council confirmed which events they were attending during the League Conference. The Borough Clerk will process the required paperwork to obtain the tickets.

**RESOLUTIONS** for meeting of September 13, 2011:

- A. Approve Expenditures as of September 7, 2011.
- B. Certify Review of CY2011 Best Practices Inventory.
- C. Authorize Refund/Tree Mitigation Escrow/ 123 Windsor Road/\$5,800.00
- D. Authorize Refund/Soil Moving and New Construction/123 Windsor Road /\$6,415.00
- E. Authorize Refund/Soil Moving and New Construction/26 Woodmere Lane/\$6,415.00
- F. Authorize Refund/Tree Mitigation Escrow/ 136 Engle Street/\$300.00
- G. Authorize Refund/Engineer Inspection Escrow/63 N. Summit Street/\$100.00
- H. Authorize Refund/Tree Mitigation Escrow/ 159 Buckingham Road/\$250.00
- I. Authorize Refund/Engineer Inspection Escrow/68 Woodland Street/\$6,222.98
- J. Authorize Closing and Canceling of Inactive Trust Accounts
- K. Certify 2010 Audit
- L. Adopt 2010 Corrective Action Plan
- M. Establish a Dedicated Trust by Rider for the "UCC Dedicated Penalty Trust Fund"
- N. Ratify Authorization for Additional Engineering Services for 2011 Road Resurfacing Program.
- O. Ratify Authorization for Additional Engineering Services for the sidewalk installation of along Leroy Street and along the south side of Downey Drive between Smith School and Thatcher Road.
- P. Appoint Representative and Alternate to the Open Space Trust Municipal Program Regional Committee.
- Q. Appoint Representative and Alternate to the Community Development Regional Committee.
- R. Approve Raffle Application #RA998/St. Thomas Armenian Church/10-23-11
- S. Authorize Approval to Submit Grant Application and Execute Grant Agreement with NJDOT for the Tenafly Road Improvement Project

**PUBLIC HEARINGS for the meeting of SEPTEMBER 13, 2011:**

**A. Ordinances:**

ORDINANCE 11-11 – 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.

ORDINANCE 11-12 - AN ORDINANCE AMENDING CHAPTER XIX, SECTION 19-2.5 ENTITLED "DESIGNATION OF RECYCLABLE MATERIALS".

**B. Other:** NONE

**Minutes** to be approved: August 9, 2011 Special Closed Session  
August 9, 2011 Public Meeting  
August 9, 2011 Work Session  
August 9, 2011 Closed Session

**OLD BUSINESS**

None.

**NEW BUSINESS**

None.

**FOR THE GOOD OF THE ORDER**

Welcome Committee New Residents Event – September 8, 2011.

C. LaMastra reminded Council that the event is being held on Thursday, instead of Tuesday since the Board of Education meetings are held on Tuesday evenings. In the case of inclement weather, the event will be held in the McCandless Room.

Borough E-mail.

C. LaMastra expressed concern over access to e-mail when the Board of Education shuts down the network, especially during the hurricane since FEMA had sent e-mails to Chief Bruno. Mrs. Thompson-Chin responded that the Board of Education is evaluating possibilities to correct the problem. She will coordinate a Joint Use Meeting this month to discuss this matter, as well as a meeting with the IT Committee, to address this matter.

Swim Club.

Mayor Rustin reported that as a result of the hurricane, the brook flooded the Tenaflly Swim Club. As a result, the Tenakill Swim Club took in their members for the final week of the pool season.

Bus Shelter.

Mrs. Thompson-Chin noted that the installation of the new bus shelter on Piermont Road was delayed due to the hurricane, but she will advise the Borough Engineer to follow-up with New Jersey Transit.

Power Outages.

C. Honig inquired about the jurisdiction on the issue of power outages that affect the Borough. Council directed the Borough Administrator reach out to PSE&G in order to have a representative attend an upcoming work session to discuss this matter.

**CLOSED SESSION**

Mayor Rustin recognized Borough Attorney William McClure, who read into the record Resolution 11-266.

BE IT RESOLVED in compliance with NJSA 10:4-12, the Mayor and Council of the Borough of Tenaflly are going into Closed Executive Session to discuss the following matters:

- A. Personnel
  - 1. Municipal Court Judge Health Benefits – Update.

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 adjourn this public meeting.

There being no further business to come before the Council, on a motion from C. LaMastra, seconded by C. Honig, and all present voting in favor, the meeting was adjourned to the Closed Session in the Committee Room at 10:02 p.m.

**ADJOURNMENT**

As there was no further business to come before the Council, on a motion by C. LaMastra, second by C. Honig, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 10:18 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC  
Borough Clerk