

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, OCTOBER 27, 2015

At 7:31 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 Press."

Present: Mayor Peter S. Rustin

Council members: Anthony Barzelatto, Maxim Basch, Nadia LaMastra, Daniel Park, Paul Stefanowicz, Mark Zinna

Borough Administrator: Jewel Thompson-Chin

Borough Attorney: William R. McClure, Esq.

Absent: None

TO BE CONSIDERED

Bonding Costs

Mrs. Thompson-Chin explained the research she and the CFO, Susan Corrado had conducted regarding the initial request to bond for the purchase of 53 Knickerbocker Road, as well as calculating the costs of developing the property. She reviewed the financial facts of the Borough's current debt, the municipal open space trust fund balance, and the current bond rating. There is currently \$1.3 million in the open space trust fund and the anticipated collection for the year is \$388,242, which is received quarterly with the tax payments. As part of the 2016 budget, as per the auditor's recommendation, \$35,000 will be paid out of the open space trust as a payment for a Green Acres acquisition loan. The trust fund expires on June 30, 2017.

Including the soft costs associated with seeking a bond, the cost for bonding solely property acquisition would be \$6,000,000. This figure does not include development costs. The down payment of any bond comes out of the operating budget. It would be overly optimistic to complete the down payment of the bond in 2 years with the open space trust fund, which would then become permanent debt. The collected property tax that would be lost is \$108,974.42. The challenge that faces the Borough is timing, as the capital budget would need to be amended, a capital ordinance would need to be adopted, and the services of the auditor, bond counsel, and a bond underwriter would be required. Moving forward will have an impact on the Borough's surplus.

During this time of the year, the status of the 2015 budget is being reviewed as the 2016 and 2017 is being prepared. Council had previously directed that 2016 be the year to plan for extensive road resurfacing in the Borough. The proposal will have a negative impact on the current refunding bonding ordinance. Mrs. Thompson-Chin and Mrs. Corrado had been interviewed by Moody's to determine if there is a change in the financial circumstances in the Borough. Continued consideration of this acquisition will cause a reduction of the bond credit rating for the current transaction because of a significant debt increase without a detailed or approved plan for the project. Bond rating agencies look at speculation and the risk of investors losing their funding.

C. Zinna noted that the resident who initially contacted him about a joint partnership, Mr. Perez, is in direct conversation with the current property owner. Mr. Perez may purchase the whole property, renovate the home, and then have it designated as a historic property.

Council determined that bonding for purchasing 53 Knickerbocker Road at the current time will not be taken under consideration. C. Zinna was authorized by the Council to speak to Mr. Perez and Mr. Watkins formally to determine the status of their direct arrangement.

CORRESPONDENCE

E. Kollitides

RE: Notice of Violation

Mrs. Thompson-Chin noted that the Zoning Board Attorney, Mr. Ritvo, reviewed Mr. Kollitides letter to the Mayor and Council disputing his zoning violation. Mr. Ritvo advised that the Borough's

current ordinance requires a zoning permit for the resurfacing of a driveway. She explained that any appeals on zoning matters must go to the Board of Adjustment for any relief, not with the governing body. Council concurred. Mr. McClure explained that a zoning application ensures that the driveway is not being expanded without proper approval. C. LaMastra inquired at what point does maintenance require the need for a zoning permit. Mr. McClure responded that there has to be a level of activity that would require an inspection by a zoning official. Council requested that Mr. Byrnes attend the next work session to discuss the zoning permit requirements for Council to determine if any changes are required.

Mr. Kollitides commented that that his driveway was 50 years old. There were cracks and damage caused by snow and snow plows. He advised that he made the driveway narrower.

Presbyterian Church at Tenafly RE: Signage for Pennies for Heaven
Council approved the annual signage request.

L. Meidan RE: POD Request
Council approved the request for 90 days. The Borough Clerk was directed to advise the resident if an extension of time was needed, a written request must be made to the Mayor and Council.

M. Mar RE: Letter of Appreciation – R. Culvert
Council acknowledged receipt of the letter of appreciation, which will be placed in Mr. Culvert's file.

K. Corio/C. Grazutis RE: POD Request
Council approved the request for 90 days. The Borough Clerk was directed to advise the resident if an extension of time was needed, a written request must be made to the Mayor and Council.

ADMINISTRATOR'S REPORT

Mrs. Thompson-Chin advised that the tennis court lighting project will be held off until next year's capital budget.

Mrs. Thompson-Chin highlighted that the last resolution formally extends the bond counsel agreement through the end of the year. She is currently receiving proposals for bond counsel services which are due on November 5th.

Based on her research regarding senior transportation services, 40 municipalities have their own vans. Mayor Rustin requested the list of those municipalities to contact the mayors of those communities. Approximately 20 Borough residents are registered to receive rides through the Bergen County Community Transportation Program to attend medical appointments. Senior Services Director, Ms. Villafuerte confirmed that residents use the County transportation for doctor's appointments and to go to Shoprite in Englewood on Wednesdays. C. LaMastra commented that she will share the research with Senior Citizens Committee.

Council reviewed the results of the Engle Street parking study conducted by the Police Department. Council requested that Mrs. Thompson-Chin have Chief Chamberlain review the concept of residential permit parking on Engle Street. On the issue of parking studies, Mrs. Thompson-Chin advised that the Police Department monitored Magnolia Avenue on a Sunday and all vehicles were parked legally. There were no sight obstructions or other safety concerns.

RESOLUTIONS for meeting of October 27, 2015:

- A. Approve Expenditures as of October 21, 2015
- B. Approve Change Order #1 – 2013 Road Resurfacing
- C. Authorize Purchase of 2015 Dodge Charger Under State Bid Contract #A88729
- D. Authorize Removal of Excess Compost from the Recycling Facility
- E. Authorize Refund – Street Opening Permit – 236 Hudson Avenue
- F. Authorize Refund – Overpayment of Taxes - Tax Court Judgment – Block 602, Lot 1
- G. Authorize Refund – Overpayment of Taxes - Tax Court Judgment – Block 1309, Lot 1.01
- H. Authorize Refund – Overpayment of Taxes - Tax Court Judgment – Block 1601, Lot 34
- I. Authorize Refund – Engineering Escrow – 62 George Street
- J. Approve Transfer of Tree Mitigation Escrow to Shade Tree Trust Fund – 34 Lindley Avenue
- K. Authorize Refund – Tree Mitigation Escrow – 17 Oak Avenue
- L. Authorize Refund – Tree Mitigation Escrow – 140 Deerfield Drive
- M. Authorize Refund – Tree Mitigation Escrow – 14 Brook Road
- N. Authorize Refund – Tree Mitigation Escrow – 46 DeMott Street
- O. Authorize Refund – Tree Mitigation Escrow – 58 Dean Drive
- P. Authorize Refund – Tree Mitigation Escrow – 15 Howard Park Drive
- Q. Authorize Refund – Tree Mitigation Escrow – 46 Sussex Road
- R. Authorize Refund – Tree Mitigation Escrow – 472 Knickerbocker Road

- S. Authorize Refund – Overpayment of Taxes - Tax Court Judgment – Block 2603, Lot 21
- T. Authorize Renewal of Plenary Retail Consumption License – New Hong Bo Suk Restaurant, Inc. – Pursuant to Special Ruling by the Executive Director of the Division of Alcoholic Beverage Control – 2015-2016 Term
- U. Authorize Refunds – Recreation Department – Fingerprint Reimbursement
- V. Authorize Refunds – Recreation Department – Various
- W. Approve Additional Engineering Services –Engineering and Construction Administration for Various Culvert Repairs
- X. Approve Additional Engineering Services – Construction Administration and Inspection Services Related to the Tenafly Road Improvements (Section 4) Project
- Y. Authorize the Submission of the 2015 Housing Element and Fair Share Plan to the Court for Review and a Judgment of Compliance and Repose
- Z. Authorize Waters, McPherson, McNeill, PC to Serve as Bond Counsel through Remaining Term of the January 3, 2015 Contract with Kraft & Capizzi, LLC

C. Basch inquired if the Borough should've gone out to bid for the police vehicle instead of using the state contract. Mrs. Thompson-Chin advised that the vendor has been vetted by the state and this is the lowest price for such a specialized vehicle. She confirmed that as discussed in the budget hearings, funds from the trust are being used toward the purchase of the vehicle.

Minutes to be approved: October 13, 2015 Regular Meeting

PUBLIC HEARINGS:

- A. Ordinances: ORDINANCE NO. 15-16 – AN ORDINANCE TO ADOPT THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE IN THE BOROUGH OF TENAFLY, AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

OLD BUSINESS

BID Subcommittee Update

C. Zinna reviewed the current rules regulating the appointment of a BID and inquired if the structure of the elections can be amended to end up with a more workable board. Mr. McClure explained that the statute has not changed and that if the Council were to dissolve the existing BID, procedures for creating a new one include the creation of an advisory board which would be tasked to provide recommendations. However, in the end the control of the appointments would be in the hands of the property owners since they are the ones being assessed a special improvement tax.

C. Zinna explained that the subcommittee recommends more of an economic development committee. C. LaMastra described that the consensus at the last meeting of the BID was to return the funds and deposit them in a trust to be used in the geographic designated area. In essence, the money that has been collected would be in the hands of the Borough for utilization for a specific purpose. Mr. McClure advised that while the law on handling the funds of a dissolved special improvement district is not clear, the safest thing is to return the funds proportionately to the current property owners. Property owners are responsible for the tax, regardless whether it's passed on to the tenants. C. LaMastra commented that it would be an accounting nightmare for the Finance Department since funds have been slowly collected with cases of interest and penalties.

Mayor Rustin stated that the first step is for Council to decide if they want to dissolve the BID, then to determine what happens to the funds. He recommended waiting for next year for the new governing body to decide how they want to move forward. Mr. McClure stated that the BID must take formal action on what to do with the existing funds.

The consensus of the Council was not in favor for the current board to continue and to discuss at the next work session the formal steps towards dissolving the BID. Mayor Rustin noted that the Council is not throwing in the towel, but looking for an entity to move the downtown forward.

Electronic Message Board Sponsorship Solicitation Letter

C. Zinna recommended that the sponsorship solicitation letter should include the life expectancy of the sign. Mrs. Thompson-Chin confirmed that a message board lasts for approximately 10 years. Mayor Rustin requested that the Borough Clerk obtain a list of businesses from the Chamber of Commerce.

ADJOURNMENT

As there was no further business to come before the Council, on a motion by C. Zinna, second by C. LaMastra, and unanimously carried, to adjourn this meeting. The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Lissette Aportela
MPA, RMC, CMC
Borough Clerk