

Borough of Tenafly

MAYOR AND COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

TUESDAY, APRIL 3, 2012

At 7:53 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."

Present: Mayor Peter S. Rustin

Council members: Anthony Barzelatto, Barry Honig, Martha Kerge, Nadia LaMastra, Jon Warms, Mark Zinna

Borough Administrator: Jewel Thompson-Chin

Borough Attorney: William R. McClure, Esq.

Absent: None

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.

Johanna Gambrill – Ravine Road – stated that one of the problems with the BID is the lack of communication with the people involved, which also affects people that belong to the Chamber of Commerce. She remarked on a petition in which 33 businesses signed against street fairs.

Mark Feldman – 133 Lylewood Drive – inquired about the official government response regarding the incident on Hudson Avenue, if an investigation for compliance had been conducted, and if the tree ordinance will be revisited; he referenced his letter to the newspaper regarding consideration to review old capital project balances and transferring funds to debt service reserve.

Mayor Rustin responded that the incident on Hudson Avenue was investigated thoroughly by the DPW, the Borough Engineer and the NJ Department of Environmental Protection. There had been no violation of local ordinances, but there were problems within the DEP's jurisdiction and the matter is currently being mediated by the DEP. Tree ordinance will be under review once the budget process is completed, which is a balancing act of the rights of the property owner and the

rights of the municipality. In this review, the Council needs to be careful not to overstep the bounds of the rights of the property owner. C. Honig inquired if there is a time frame that the property owner cannot build. Mayor Rustin advised that the property owner was put on notice that if there is contemplation of building, this matter will be reviewed for mitigation. Mr. McClure noted that it will be difficult to prove intent. Council will discuss this matter in greater detail at the April 24th work session with input from the DPW Director and Borough Engineer.

TO BE CONSIDERED

Introduced Budget Amendment – Borough Auditor Paul Lerch

Mrs. Thompson-Chin explained that the reason for amendment is based on anticipated litigation expenses. Mr. Lerch reviewed the proposed amendment, which is required to be advertised. The amendment will amount to \$88,000 to account for the anticipated expense plus interest in which terminal leave will be reduced by \$44,000 and \$44,000 will be used from surplus. This is action will not increase the tax levy and will not harm the stability and fiscal outlook of the Borough.

Mayor Rustin inquired about the refinancing of bond obligations. Mr. Lerch advised that he discussed this matter with the Chief Financial Officer, in which a preliminary review demonstrates that existing debt consists of a large amount of notes and unauthorized debt, but further review will need to be conducted. When 2 of the 3 existing bonds were issued, they were not callable to obtain a slightly lower interest rate. The remaining bonds are callable cannot be called until 2017. The Borough will be issuing short term notes in April. The Local Finance Board no longer allows non-conforming bonds. If the Borough were to issue notes in October, next year Council will look at an increase in debt service, which will amount to about \$65 increase on the average home. C. Honig inquired about the purpose for doing it in October. Mr. Lerch responded that the notes can be issued earlier as there is a 90 day window, but it will yield same impact in an increase in debt service.

Mayor Rustin asked Mr. Lerch to comment on unexpended proceeds. Mr. Lerch noted that a review of ordinances has to happen concurrently with the review of bond sale. Generally, old ordinances should be cancelled after 5 years. Council can reappropriate the funds, can cancel the ordinances if the projects are fully funded, or can cancel and place the funds in capital surplus for down payment for future projects. However, when municipalities utilize non reoccurring revenues there is always a risk. C. Kerge stated that the Borough has a very good budget for this year, but she interested in doing more and asked if some of the money from the Police headquarters project. Mr. Lerch responded that the project is still active, so it is premature to discuss this matter. Mr. Lerch described an analysis to see if there are balances where permanent debt was issued to determine which ordinances can be cancelled and amortized. C. Honig requested an analysis with a 3 to 4 year cash flow outlook.

Affordable Housing – Tom Toronto, United Way Representative & Joe Burgis, Borough Planner

Mr. Toronto from the Bergen County United way described the 2 current projects in Fairview and Allendale for special needs housing and affordable home ownership and how the United Way works with Shari DePalma of the Madeline Partnership. He informed Council about a new project about to start construction in Ramsey purpose built for young adults with autism. With respect to Tenafly, the United Way has identified a location in town for supportive housing for adults with developmental disabilities. Residents who met diagnosis criteria receive will receive priority for placement. He described that the opportunity that exists is unique for development in which the property can be acquired through the affordable housing trust fund balance so Borough does not lose the collected money and the project will serve customs and nature of Tenafly. Mr. Toronto explained that the United Way creates nonprofit that owns the asset with a 30 year deed restriction.

Mr. McClure explained that the United Way would enter into a contract with the current property owner, will commit the funds upfront and will be required to meet contingencies, the 501(c)(3) becomes the assignee to become the direct owner. Mr. Toronto explained that the project is designed for low intensity use as it will be 1 story, consisting of 6 bedrooms for 10 units and community room. Mr. Toronto advised that the United Way is only seeking funding for the acquisition of the property and has already placed a 10% deposit.

Mr. Burgis reminded Council that the Borough still has 2nd round obligations to meet since RCA with Paterson did not go through due to the suspension of the program. He advised that the Borough has \$1.4 million in this fund and needs to identify how utilize the funds with contracts in place with a specific amount of funds designated for an actual project, so the state won't seize the funds. Mr. McClure noted that the contract will specifically state the Borough's payment upon the approval of the spending plan, DEP approval for the project, and Planning Board approval for the development. C. Barzelatto commented that the Borough already had a similar arrangement with Tenafly Senior Housing, which is a HUD project in conjunction with the Lyons Club. Mayor Rustin will arrange a site visit to tour the Allendale facility.

FOR THE GOOD OF THE ORDER

Fire Memorial (C. Barzelatto).

Mayor Rustin advised the Fire Department submitted a plan using pillars from previous ring set up to create a courtyard with ring, pillars, two benches and a piece of steel from the World Trade Center that C. Barzelatto was able to obtain. Mayor Rustin advised that he received a letter from Governor Christie with a flag that was flown at the 10th anniversary of 9/11. Fire Inspector Connolly described how the Tenafly Fire Department responded on 9/11 to assist in the recovery of remains from vehicles retrieved and became the focal point for dispatching for the northern valley to assist in the recovery process. The Fire Department is seeking to create this memorial in front of the Fire Station. Mayor Rustin suggested conducting a fundraiser to assist with the financing of the project so that it may not be necessary to commit Borough funds. C. Barzelatto stated that at the moment, the Fire Department is seeking to remove a tree that is currently obstructing the potential site. Inspector Connolly noted that the tree also currently poses a site hazard for fire trucks. The Fire Department was directed to provide a more defined plan and to sit with the Borough Administrator to include information about the memorial in the newsletter. This item will be listed for discussion on April 10th.

TO BE CONSIDERED (continued)

Ordinance- for Consideration - Sump Pump Discharge & Roof Leader Connections

Mr. McClure provided a draft ordinance outlining the incidents that would trigger an inspection of the sewer connections. Mrs. Thompson-Chin explained when the Borough changed engineers, Mr. Hipolit, as the registered as storm water management contact with DEP had to review the Borough's ordinances and plans to ensure compliance. In this review, he found that there was a deficiency because the inspection of sewer connections was not codified. She stated that the BCUA also sent a letter stating that the Borough was not fulfilling its obligations for enforcement. Council discussed when fines would be imposed and the educational component of sewer connections and stormwater management. The consensus of the majority of council authorized the listing of the ordinance for introduction on April 10th.

9/11 Memorial Site – Execute Agreement to Accept WTC Artifact

Council authorized the Borough Administrator to execute the agreement. A resolution ratifying the authorization will be listed for the April 10th consent agenda. C. Barzelatto described the artifact and that there will be a formal procession to pick it up and bring it to the Borough.

- F. Authorize Refund/ New Construction, Pool and Soil Moving Bonds and Escrow / 33 George Street
- G. Authorize Refund/Planning Board Trust PB#1-08-08/115 County Realty, LLC
- H. Approve Raffle Applications/RA 1014 – RA 1016
- I. Authorize Execution of Agreement to Accept World Trade Center Artifact
- J. Authorize \$750.00 Transfer from 11 Elm Street Tree Mitigation Escrow Acct #80446 into Borough Tree Replacement Fund
- K. Authorize \$1,000.00 Transfer from 188 Hickory Avenue Tree Mitigation Escrow Acct #80448 into Borough Tree Replacement Fund

There were no comments on the resolutions.

FOR THE GOOD OF THE ORDER

Mayor Rustin advised that he received a letter from the Tenafly Lions Little League regarding their annual parade on April 28th. They requested permission to hold the parade on its usual route. Council approved the parade. The Borough Clerk will notify the President of Council's determination.

Mayor Rustin advised that the High School declining having the hockey team in the Memorial Day parade on the premise on how they can invite one team and not the other teams that won championships.

BCUA Representation (C. Warms).

C. Warms explained that there are 9 appointed commissioners appointed by the County Executive, but the BCUA lacks transparency, are not responsive to the needs of municipalities, issue increases in excess of the 2% cap, issues said notification late, and provides no explanation of their capital projects. He proposed drafting a letter to the County Executive to change the selection process so that the commissioners are selected by the municipalities that they serve. Council authorized C. Warms to draft the letter.

C. LaMastra noted that the police car rental is only \$40 per day and that the fee needs to be adjusted. Mrs. Thompson-Chin will speak with Chief Bruno for a recommendation on amending the fee.

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 10:54 p.m.

Respectfully submitted,

Lissette Aportela-Hernandez, MPA, RMC
Borough Clerk