

CITY OF ENGLEWOOD
CITY COUNCIL WORKSHOP MEETING
MUNICIPAL COURT 73 S. VAN BRUNT STREET

May 10, 2016 – 7:30 pm

OPEN PUBLIC MEETINGS ACT STATEMENT

PLEDGE OF ALLEGIANCE

RESOLUTION #109-05-10-16 Approve Minutes

WORKSHOP AGENDA ITEMS:

- **RESOLUTIONS FOR VOTE:**
 - #110-05-10-16 Appointment of CFO
 - #111-05-10-16 Resolution of the City Council of the City of Englewood, County of Bergen, New Jersey Authorizing and Approving the Defeasance of \$3,000,000 Aggregate Principal Amount of the City's Outstanding General Improvement Bonds, Series 2014B; Authorizing and Approving the Execution of an Escrow Deposit Agreement With Respect to the Defeasance of Said Bonds; and Authorizing Other Necessary Actions in Connection Therewith
 - #112-05-10-16 Refunds Due to State Tax Appeals

- **RESOLUTIONS FOR DISCUSSION:**
 - Contract for Pool Management Services for Tryon Pool
 - Appointment of Commissioner to the Garden State Municipal Joint Insurance Fund Board

- **ORDINANCES FOR DISCUSSION:**
 - Police Department Discovery and Records Fees
 - Amending Ordinance 14-13

- **ITEMS FOR DISCUSSION:**
 - Community/Recreation Committee formation
 - Parks and Municipal Space Beautification
 - Status of Fields and Courts
 - Capital Projects for 2016

- **PUBLIC SESSION:**

- **CLOSED SESSION:**

- **ADJOURN:**

Minutes for Approval

CITY OF ENGLEWOOD

RESOLUTION #109-05-10-16

RESOLUTION ACCEPTING MINUTES

BE IT RESOLVED, that the following minutes be and are hereby accepted and filed:

COUNCIL MEETINGS

February 23, 2016

March 22, 2016

COUNCIL WORKSHOP MEETINGS

March 8, 2016

| COUNCIL | MOTION | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------|--------|------|------|---------|--------|
| <i>Cobb</i> | | | | | |
| <i>Cohen</i> | | | | | |
| <i>Forman</i> | | | | | |
| <i>Hamer</i> | | | | | |
| <i>Skurnick</i> | | | | | |

I do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Council of the City of Englewood.

Yancy Wazirmas, RMC
City Clerk
City of Englewood

Resolutions

(Consent Agenda)

CITY OF ENGLEWOOD

RESOLUTION #110-05-10-16

APPOINTMENT OF CHIEF FINANCIAL OFFICER

WHEREAS, the Chief Financial Officer of the City of Englewood retired on April 30, 2016; and

WHEREAS, the City has advertised for this position and interviewed candidates that are qualified to serve as Chief Financial Officer; and

WHEREAS, Michael Kaufmann has served previously as the Chief Financial Officer in a New Jersey municipality; and

WHEREAS, Mr. Kaufmann is a Certified Municipal Finance Officer in the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that Michael Kaufmann is hereby appointed to the position of Chief Financial Officer of the City of Englewood for a four year term, effective May 1, 2016, pursuant to N.J.S.A. 40A:9-140.1 et seq.

| COUNCIL | MOTION | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------|--------|------|------|---------|--------|
| <i>Cobb</i> | | | | | |
| <i>Cohen</i> | | | | | |
| <i>Forman</i> | | | | | |
| <i>Hamer</i> | | | | | |
| <i>Skurnick</i> | | | | | |

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Yancy Wazirmas, RMC
City Clerk
City of Englewood

CITY OF ENGLEWOOD

RESOLUTION #111-05-10-16

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COUNTY OF BERGEN, NEW JERSEY AUTHORIZING AND APPROVING THE DEFEASANCE OF \$3,000,000 AGGREGATE PRINCIPAL AMOUNT OF THE CITY'S OUTSTANDING GENERAL IMPROVEMENT BONDS, SERIES 2014B; AUTHORIZING AND APPROVING THE EXECUTION OF AN ESCROW DEPOSIT AGREEMENT WITH RESPECT TO THE DEFEASANCE OF SAID BONDS; AND AUTHORIZING OTHER NECESSARY ACTIONS IN CONNECTION THEREWITH

WHEREAS, pursuant to, *inter alia*, the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey (*N.J.S.A. 40A:2-1 et seq.*), as amended and supplemented ("Local Bond Law"), the City of Englewood, County of Bergen, New Jersey ("City") has heretofore issued \$16,450,000 aggregate principal amount of its General Improvement Bonds, Series 2014B ("2014 Bonds"), a portion of the proceeds of which were utilized to acquire the Lincoln and Liberty School facilities in the City (collectively, the "School Facilities Project"); and

WHEREAS, the School Facilities Project was acquired for the purpose of providing educational facilities for the City and was completed with due diligence; and

WHEREAS, on or about April 12, 2016, the School Facilities Project was sold to a developer for non-governmental use, the result of which was the receipt by the City of certain funds in the amount of \$7,862,500 ("Available Funds"); and

WHEREAS, the 2014 Bonds in the aggregate principal amount of \$10,010,000, and maturing on April 1 in the years 2024 through 2032, both inclusive (collectively, the "Callable Bonds"), are subject to redemption prior to maturity at the option of the City on or after April 1, 2023 ("Redemption Date") at a redemption price equal to 100% of the Callable Bonds to be redeemed, plus accrued interest thereon; and

WHEREAS, the 2014 Bonds maturing on April 1 in the years 2017 through 2023, both dates inclusive, in the aggregate principal amount of \$5,170,000 also remain outstanding but are not, however, subject to redemption prior to maturity ("Non-Callable Bonds" and together with the Callable Bonds, the "Outstanding Bonds"); and

WHEREAS, the City is now desirous of using a portion of the Available Funds to: (i) provide for (a) the defeasance of the portion of the Non-Callable Bonds allocable to the School Facilities Project in the amount of \$1,025,000 ("Defeased Non-Callable School Facilities Bonds"), and (b) the defeasance and redemption of the portion of the Callable Bonds allocable to the School Facilities Project in the amount of \$1,975,000 ("Defeased Callable School Facilities Bonds"; together with the Defeased Non-Callable School Facilities Bonds, the "Defeased Bonds"), each in the amounts and at the interest rates set forth in Exhibit "A" attached hereto, by the funding of an escrow sufficient to pay, when due, the principal of and interest on the Defeased Bonds; and (ii) pay the costs associated with the defeasance of the Defeased Bonds (collectively, the "Defeasance Project"); and

WHEREAS, in order to effectuate the Defeasance Project, it is necessary for the City to: (i) appoint a bank to serve as escrow agent ("Escrow Agent") and to enter into an Escrow Deposit Agreement ("Escrow Agreement") by and between said Escrow Agent and the City to establish the terms of the Defeasance Project; and (ii) authorize other necessary actions in connection therewith.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COUNTY OF BERGEN, NEW JERSEY, AS FOLLOWS:

Section 1. The City hereby authorizes and approves the Defeasance Project, as further described in the preamble of this Resolution and as hereinafter set forth.

Section 2. The Escrow Agreement, substantially in the form attached hereto as Exhibit "B" and made a part hereof, with such changes as may be recommended by Bond Counsel (as hereinafter defined) and the City Solicitor, is hereby authorized and approved.

Section 3. The Mayor and the City Manager are each hereby severally authorized to execute the Escrow Agreement on behalf of the City. The Clerk and Deputy Clerk of the City are each hereby severally authorized to attest said signature and to affix the City's seal upon the same. The execution of the Escrow Agreement by an authorized officer of the City as determined hereunder shall conclusively evidence the City's approval of the terms thereof and no further ratification or other action by the members of the City Council shall be required with respect thereto.

Section 4. The appointment of The Bank of New York Mellon as Escrow Agent for the purposes of the Defeasance Project is hereby authorized, approved, ratified and confirmed. The City Manager is hereby authorized and directed to enter into one or more agreements with the Escrow Agent for the services to be provided.

Section 5. The Escrow Agent is hereby authorized and directed to: (i) make the required payments of principal and interest on the Defeased Non-Callable School Facilities Bonds on their respective principal and interest payment dates out of the amounts on deposit in an Escrow Account ("Escrow Account"), all at the times and in the amounts established pursuant to the Escrow Agreement; (ii) make the required interest payments on the Defeased Callable School Facilities Bonds up to the Redemption Date on their respective interest payment dates out of the amounts on deposit in the Escrow Account, all at the times and in the amounts established pursuant to the Escrow Agreement; (iii) to redeem the Defeased Callable School Facilities Bonds on a call date to be specified in the Escrow Agreement, at a redemption price equal to 100% of the Defeased Callable School Facilities Bonds to be redeemed, plus interest accrued to the redemption date; and (iv) to pay the costs associated with the Defeasance Project. The Escrow Agent shall mail any required notice of redemption as set forth in the Defeased Callable School Facilities Bonds and in the Escrow Agreement.

Section 6. The Mayor and City Manager are each hereby severally authorized to execute one or more subscriptions and/or agreements for the purchase and/or issuance of investment obligations with respect to the defeasance and redemption, as applicable, of the Defeased Bonds.

Section 7. The Mayor and City Manager are each hereby severally authorized to prepare and send notice of the defeasance and redemption, as applicable, of the Defeased Bonds to the Commissioner of the Internal Revenue Service.

Section 8. The City hereby appoints Causey Demgen & Moore P.C., Denver Colorado, certified public accountants ("Verification Agent"), to verify the mathematical accuracy of certain computations made with respect to the defeasance and redemption, as applicable, of the Defeased Bonds. The Mayor and Manager of the City are each hereby severally authorized to execute on behalf of the City an agreement with the Verification Agent for the services to be provided.

Section 9. All actions heretofore taken and documents prepared or executed by or on behalf of the City by the Mayor, City Manager, City Clerk or Deputy City Clerk, other City officials or by the City's professional advisors in connection with the execution and delivery of the Escrow Agreement and the defeasance and redemption, as applicable, of the Defeased Bonds, and all matters related thereto, are hereby authorized, approved, ratified and confirmed.

Section 10. The Mayor, City Manager, City Clerk or Deputy City Clerk are each hereby severally authorized to determine all matters and execute all documents and instruments in connection with the execution and delivery of the Escrow Agreement and the defeasance and redemption, as applicable, of the Defeased Bonds not determined or otherwise directed to be executed by applicable law or by this Resolution, and the signatures of the Mayor, City Manager, City Clerk or Deputy City Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 11. All resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 12. This Resolution shall take effect immediately upon adoption this 10th day of May, 2016.

| COUNCIL | MOTION | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------|--------|------|------|---------|--------|
| <i>Cobb</i> | | | | | |
| <i>Cohen</i> | | | | | |
| <i>Forman</i> | | | | | |
| <i>Hamer</i> | | | | | |
| <i>Skurnick</i> | | | | | |

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Yancy Wazirmas, RMC
City Clerk
City of Englewood

CITY OF ENGLEWOOD

RESOLUTION #112-05-10-16

REFUNDS DUE TO STATE TAX APPEALS

WHEREAS, a judgment has been received from the Tax Court of New Jersey for the following Block and Lots in the City of Englewood; and

WHEREAS, the said judgments have created and overpayment on the tax account listed for said years;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, in the County of Bergen, State of New Jersey, that the Chief Financial Officer be and he is hereby authorized to refund overpayment of the property taxes in the amount of \$88,796.08 for said years due to successful tax court judgments.

| COUNCIL | MOTION | AYES | NAYS | ABSTAIN | ABSENT |
|-----------------|--------|------|------|---------|--------|
| <i>Cobb</i> | | | | | |
| <i>Cohen</i> | | | | | |
| <i>Forman</i> | | | | | |
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