

Englewood, N.J., August 18, 2009

A Regular Formal Meeting of the Council of the City of Englewood, Bergen County, New Jersey, was held this evening in the Municipal Court in the Public Safety Building commencing at 7:30 P.M..

Present: Council President Kenneth Rosenzweig; Council members Charlotte Bennett Schoen, Scott Reddin, Jack Drakeford, and Gordon Johnson; Also present were Robert Gorman, Assistant City Manager; Lenore Schiavelli, City Clerk; William Bailey, City Solicitor.

Absent: Mayor Michael Wildes.

President Rosenzweig called the meeting to order.

The City Clerk stated that adequate notice of this meeting was given by the posting, filing and distribution of the Annual Notice of Meetings as required by the Open Public Meetings Act.

President Rosenzweig asked those present to stand while the Pledge of Allegiance was recited.

The City Manager discussed several items with the City Council including business operating hours and agenda review.

Ms. Schoen moved that the minutes of the August 4, 2009 Council Meeting be approved. Mr. Reddin seconded the motion. Upon roll call, all Council members present voted "Yes". President Rosenzweig declared the motion carried.

Mr. Johnson moved that the following Resolution be adopted. Mr. Reddin seconded the motion. Upon roll call, all Council members present voted "Yes". President Rosenzweig declared the motion carried and the Resolution duly adopted.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ENGLEWOOD that the bills and claims as approved for payment by the Chief Financial Officer of the City of Englewood are hereby ordered paid and that the accompanying schedule thereof (pages 1a - 1b of these minutes) is hereby made a part of the minutes of this meeting.

Council members commented on past and upcoming events and issues.

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President Rosenzweig explained the Resolutions on the agenda and invited questions/comments on the items from the public.

Mr. Johnson moved that the following resolutions be adopted by unanimous consent. Mr. Drakeford seconded the motion. Upon roll call, all Council members present voted "Yes". President Rosenzweig declared the motion carried and the resolutions duly adopted.

1. WHEREAS, the City Council has approved the establishment of the Emergency Medical Services Division in the Englewood Fire Department ("EFDDEMS"); and

WHEREAS, the EFDDEMS is completing the steps required to apply to the New Jersey Department of Health and Senior Services for licensing as a Basic Life Support ambulance service; and

WHEREAS, it is required that the licensed service have two BLS ambulances, one of which is to be maintained as a back-up BLS ambulance; and

WHEREAS, the Fire Chief has requested the immediate purchase of a back-up ambulance because of the deteriorating status of the daytime BLS ambulance service and a used ambulance has been located that would meet the needs of the EFDDEMS; and

WHEREAS, N.J.S.A. 40A: 11-6 permits emergency contracts to be negotiated and awarded when an emergency exists that affects the public health, safety or welfare; and

WHEREAS, the Fire Chief has recommended to the City Manager that a contract for this purchase be awarded without public bidding because of the need for the EFDDEMS to implement service as quickly as possible due to the exigent circumstances, and the City Attorney and Chief Financial officer have concurred that an emergency purchase is allowed under these conditions;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the emergency purchase of a 2001 Ford E-450 Horton 533 Ambulance from VCI, 43 Jefferson Road, Berlin, N.J. in the amount of \$39,275 is hereby approved pursuant to the provisions of N.J.S.A 40A-6.

2. WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of a municipality when such item was made available by law and amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the City of Englewood has received notice of an award from the State of New Jersey Special Legislation and wishes to amend the 2009 Budget to include this amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood, Bergen County, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the total sum of \$ 52,663 which is now available as a revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of the Division
of Local Government Services:

Revenues:

Bergen County Dept of Health	
2009 Municipal Alliance on Alcohol/Drug Abuse	\$ 16,765
New Jersey Dept of Community Affairs	
Lead Identification and Field Testing	23,395
Bergen County/US Dept of Justice	
Justice Assistance Grant	10,003
NJ Dept of Health and Senior Services	
NJDHSS Emergency Preparedness	2,500

BE IT FURTHER RESOLVED that a like sum of \$ 52,663 is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from CAPS

2009 Municipal Alliance on Alcohol/Drug Abuse	\$ 16,765
Lead Identification and Field Testing	23,395
Justice Assistance Grant	10,003
NJDHSS Emergency Preparedness	2,500

BE IT FURTHER RESOLVED that the City Clerk is authorized to forward two certified copies of this resolution to the Director of Local Government Services for approval.

3. WHEREAS, proposals were requested by the City of Englewood for Emergency Overpeck Creek Channel Wall Reconstruction in accordance with law; and

WHEREAS, the channel wall has collapsed in the area of 280, 284, and 286 Pindle Avenue in the City of Englewood and the City Engineer has determined that the work must be done immediately to avoid further danger to the residents and possible flooding and therefore the contract should be executed on an emergency basis; and

WHEREAS, Montana Construction Corporation, Inc., 80 Contant Avenue, Lodi, New Jersey, is the only responsible contractor to submit a proposal; and

WHEREAS, the City Council finds, on the advice and recommendation of the City Engineer, that it is in the best interest of the City of Englewood to award the contract for Overpeck Creek Channel Wall Reconstruction to Montana Construction Corporation, Inc., in accordance with its proposal;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey that the proposal of Montana Construction Corporation, Inc., in the total sum of \$ 73,250 for Overpeck Creek Channel Wall Reconstruction is hereby accepted; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute an agreement between the City of Englewood and Montana Construction Corporation, Inc., to carry out the foregoing purposes together with change orders in an amount not to exceed 20% of the contract price, subject to the availability of funds therefore; and

BE IT FURTHER RESOLVED that adequate funds for this contract are available and that the Finance Officers Certificate of Availability of Funds in on file in the office of the City Clerk.

4. WHEREAS, proposals were requested by the City of Englewood for Emergency Lydecker Street/Next Day Hill Drive Culvert Reconstruction in accordance with law; and

WHEREAS, the culvert has collapsed and the roadway above is in danger of collapsing and the City Engineer has determined that the work must be done immediately as the roadway is utilized for access to an elementary school and therefore the contract should be executed on an emergency basis; and

WHEREAS, Gotthold Paving, LLC, Box 205, Edgewater, New Jersey 07020 is the only responsible contractor to submit a proposal; and

WHEREAS, the City Council finds, on the advice and recommendation of the City Engineer, that it is in the best interest of the City of Englewood to award the contract for Emergency Lydecker Street/Next Day Hill Drive Culvert Reconstruction to Gotthold Paving in accordance with its proposal;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey that the proposal of Gotthold Paving in the total sum of \$ 24,750 for Emergency Lydecker Street/Next Day Hill Drive Culvert Reconstruction is hereby accepted; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute an agreement between the City of Englewood and Gotthold Paving to carry out the foregoing purposes together with change orders in an amount not to exceed 20% of the contract price, subject to the availability of funds therefore; and

BE IT FURTHER RESOLVED that adequate funds for this contract are available and that the Finance Officers Certificate of Availability of Funds in on file in the office of the City Clerk.

5. WHEREAS, a Bergen County Community Development Grant of \$80,000 has been proposed by Center for Food Action in New Jersey for Security Deposits in the City of Englewood; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the City Council; and

WHEREAS, this resolution does not obligate the financial resources of the City and is intended solely to expedite expenditure of the aforesaid CD funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

6. WHEREAS, a Bergen County Community Development grant of \$50,000 has been proposed by Center for Food Action in New Jersey for Emergency Food Program in the City of Englewood; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the City Council; and

WHEREAS, this resolution does not obligate the financial resources of the City and is intended solely to expedite expenditure of the aforesaid CD funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

7. WHEREAS, a Bergen County Community Development grant of \$20,000 has been proposed by Bergen Family Center Armory Street Family Intervention Project, in the City of Englewood; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the City Council; and

WHEREAS, the aforesaid project is in the best interest of the people of Englewood; and

WHEREAS, this resolution does not obligate the financial resources of the City of Englewood and is intended solely to expedite expenditure of the aforesaid Community Development funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Director of the Bergen County Community Development program so that implementation of the aforesaid project may be expedited.

8. WHEREAS, a Bergen County Community Development Grant of \$75,000 has been proposed by the Infant-Senior Sharing Project, Inc. Infant-Toddler Day Care Center for Administrative Costs in the City of Englewood; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the City Council; and

WHEREAS, the aforesaid project is in the best interest of the people of Englewood; and

WHEREAS, this resolution does not obligate the financial resources of the City and is intended solely to expedite expenditure of the aforesaid Community Development funds,

NOW, THEREFORE, BE IT RESOLVED, that City Council of the City of Englewood hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

9. WHEREAS, a Bergen County Community Development grant of \$243,869 has been proposed by Southeast Senior Center for Independent Living for Operating Expenses in the City of Englewood; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the City Council; and

WHEREAS, the aforesaid project is in the best interest of the people of Englewood; and

WHEREAS, this resolution does not obligate the financial resources of the City and is intended solely to expedite expenditure of the aforesaid Community Development funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

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Ms. Schoen introduced the following ordinance by title:

09-18 AN ORDINANCE AMENDING SECTION 10-61 OF ARTICLE 7 OF CHAPTER 10 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD REGARDING EATING ESTABLISHMENTS.

Ms. Schoen moved that the ordinance pass on first reading and be published once, in full, in the Press Journal and that a public hearing thereon be held September 8, 2009. Mr. Johnson seconded the motion.

Upon roll call, Mr. Reddin and Mr. Rosenzweig voted "No"; all other Council members present voted "Yes". President Rosenzweig declared the motion carried.

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President Rosenzweig declared the public session open and the following persons spoke: Shirley Passow, asked about the Pascack Valley Hospital issue. Elie Kelly, 350 Shepard Ave, asked the purpose of the ambulance. When no one else wished to address the Council, President Rosenzweig closed the public session.

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Upon motion duly made, seconded, and passed, the Council retired to closed session to discuss pending litigation.

As there was no other business to come before the Council, the Council President adjourned the meeting.

City Clerk