

Englewood, N.J., March 17, 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 Ken Rosenzweig; Council members Charlotte Bennett Schoen, Scott Reddin. Also present were Daniel Fitzpatrick, City Manager; Lenore Schiavelli, City Clerk; William Bailey, City Solicitor.

Absent: Mayor Michael Wildes; Council members Jack Drakeford and Gordon Johnson.

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 the use of parks fees; upcoming consultant interviews; ice arena bids; false alarm fees, and agenda review.

Ms. Schoen moved that the minutes of the January 13 and March 3, 2009 Council Meetings be approved. Mr. Reddin seconded the motion. Upon roll call, all Council members present voted "Yes". President Rosenzweig declared the motion carried.

Ms. Schoen 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 - 1d 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 stated that consideration would be given to the following ordinance. The City Clerk read the ordinance by title.

09-07 BOND ORDINANCE AMENDING ORDINANCE NO. 06-08 REAPPROPRIATING \$81,928 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR PARK IMPROVEMENTS IN THE CITY OF ENGLEWOOD AND OTHER RELATED EXPENSES IN AND BY THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY.

President Rosenzweig declared that public hearing on the ordinances was open and the following persons spoke:

Norman Gorlyn asked what the money was previously earmarked for.

When no one else wished to speak on the ordinances, President Rosenzweig closed the public hearing.

Mr. Reddin moved that the Ordinance pass on final reading and be adopted and that the ordinance be published once, by title only, in the Press Journal. Ms. Schoen seconded the motion. Upon roll call, all Council members present voted "Yes". President Rosenzweig declared the motion carried and the ordinance duly adopted.

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

Ms. Schoen moved that the following resolutions be adopted by Unanimous Consent. Mr. Reddin 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, on August 23, 2005, the City Council adopted a resolution authorizing a contract for professional services with Edward J. Buzak, Esq. to act as special counsel regarding third round certification by the Council on Affordable Housing (COAH); and
WHEREAS, the funds authorized by this contract were not to exceed \$25,000; and
WHEREAS, this need for these professional services is ongoing;
NOW, THEREFORE, BE IT RESOLVED that Edward J. Buzak, Esq. is hereby continued as special counsel in connection with the above referenced need at an hourly rate of \$200 for all services rendered plus disbursements and cost at a total cost not to exceed an additional sum of \$12,000.

A certificate of availability of funds is on file in the office of the City Clerk.

2. WHEREAS, the City of Englewood wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$155,000 in 2009 Open Space Trust Funds for Basketball and Tennis Court Reconstruction in the City of Englewood;
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the City Manager is hereby authorized to execute the aforesaid grant agreement and all County vouchers or other documents required in connection with the aforesaid project; and
BE IT FURTHER RESOLVED that the City Council recognizes that the City of Englewood is liable for a dollar for dollar match for any funds awarded in accordance with the Trust requirements.

3. WHEREAS, bids were received by the City of Englewood on February 10, 2009, for Health Department Alterations, City of Englewood, following public advertisement and in accordance with specifications therefor in accordance with law; and
WHEREAS, Capital Development Construction Management, LLC, 25 Industrial Avenue, Fairview, NJ 07022, submitted the lowest bid in the total sum of \$25,912; and
WHEREAS, the City Council finds, on the advice and recommendation of the Health Department consulting architect, that it is in the best interest of the City of Englewood to award the contract for Health Department Alterations, City of Englewood, to Capital Development Construction Management, LLC in accordance with its bid;
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey that the bid of Capital Development Construction Management, LLC, in the total sum of \$25,912 for Health Department Alterations 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 Capital Development Construction Management, LLC to carry out the foregoing purpose 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 and is available for public inspection.

4. WHEREAS, the City of Englewood has heretofore adopted Ordinance No. 95-21 authorizing an exchange of land between the City of Englewood and Shiloh Craftsman Club, Inc., specifically Lot 10.2 in Block 2207 (Forest Avenue), owned by the City of Englewood, for Lot 26 in Block 26 (37 Bennett Road), owned by Shiloh; and

WHEREAS, pursuant to said Ordinance, the parties entered into an Exchange of Property Agreement dated March 11, 1997, and an amendment thereto January 20, 2000, April 20, 2004, October 3, 2006, and December 18, 2007; and

WHEREAS, Shiloh Craftsman Club, Inc. has requested an extension to said Agreement to allow the Agreement to continue to June 30, 2009; and

WHEREAS, the City of Englewood finds that it is in the best interest of the City of Englewood to grant such an extension;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the City Manager is hereby authorized to execute, and the City Clerk to attest, an amendment to the Exchange of Property Agreement between the City of Englewood and Shiloh Craftsman Club, Inc. to extend the contingency dates contained therein.

5. BE IT RESOLVED by the City Council of the City of Englewood that the following appointment is hereby approved:

BOARD OF ADJUSTMENT

Harry Reidler, 263 Hutchinson Road, appointed/confirmed, Alternate #2, to a two year term commencing January 1, 2008 and expiring December 31, 2009.

6. WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic, and social objectives are balanced and mutually supportive; and

WHEREAS, the City of Englewood strives to save tax dollars, assure clean land, air, and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, the City of Englewood hereby acknowledges that the residents of the City of Englewood desire a stable, sustainable future for themselves and future generations; and

WHEREAS, the City of Englewood wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path the City of Englewood is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of the City of Englewood, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community;

NOW, THEREFORE, BE IT RESOLVED, that to focus attention and effort within the City of Englewood on matters of sustainability, the City Council of the City of Englewood wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification; and

BE IT FURTHER RESOLVED, that the Englewood Environmental Commission is hereby authorized to serve as the City of Englewood's agent for the Sustainable Jersey Municipal Certification process and the City Manager is hereby authorized to execute the Municipal Registration on behalf the City of Englewood.

7. WHEREAS, a smart growth community seeks to optimize the quality of life for its residents by ensuring that its environmental, economic, and social objectives are balanced and mutually supportive; and

WHEREAS, the City of Englewood strives to save tax dollars, to promote local land-use planning that reduces sprawl, creating and improving efficient working and living environments as steps towards building a sustainable community that will thrive well into the new century; and

WHEREAS, the City of Englewood wishes to support a model of land management planning which benefits our residents by exploring and assessing natural resources, creating and/or adopting, in accordance with the Master Plan, a vision of environmentally sound land use practices such as green infrastructure and construction, pedestrian friendly zones, and open space, keeping within the principles of smart growth; and

WHEREAS, by endorsing a sustainable path the City of Englewood is pledging to educate itself and community members further about sustainability and to develop initiatives supporting smart growth practices via zoning, land use, state and local statutes, and public education; and

WHEREAS, as elected representatives of the City of Englewood, we have a significant responsibility to provide leadership which will seek community-based smart growth solutions to strengthen our community;

NOW, THEREFORE, BE IT RESOLVED, that to focus attention and effort within the City of Englewood on matters of smart growth, the City Council of the City of Englewood supports the initiatives of the Association of New Jersey Environmental Commissions' 2009 Smart Growth Planning Grant Program and wishes to participate; and

BE IT FURTHER RESOLVED, that the Englewood Environmental Commission is hereby authorized to serve as the City of Englewood's agent for the 2009 Smart Growth Planning Program and the City Manager is hereby authorized to execute any documents necessary to apply for and accept the Smart Growth Planning Grant.

8. WHEREAS, the City of Englewood currently utilizes Englewood Emergency Medical Services (EEMS) to provide emergency medical service to the residents of Englewood when Englewood Volunteer Ambulance Corps (EVAC) is unavailable; and

WHEREAS, Englewood Emergency Medical Services (EEMS) is granted funding from the City of Englewood that allows the corporation to compensate their personnel who provide such service to the City of Englewood; and

WHEREAS, the City Council has agreed to support the transfer of the emergency medical service currently provided by Englewood Emergency Medical Services (EEMS) from the corporation to the City of Englewood Fire Department in an effort to provide full time supervision and management of the City's emergency medical service not currently provided by the Englewood Volunteer Ambulance Corps (EVAC); and

WHEREAS, the City Council finds that this transfer of services and funding to the Fire Department in an effort to establish a professional, effective, City based Emergency Medical Service is in the best interests of the City of Englewood; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the City Manager is hereby authorized to execute any documents necessary to transfer the aforementioned emergency medical service to the Fire Department.

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President Rosenzweig declared the public session open and the following persons spoke: Elie Kelly, 350 Shepard Ave, stated that false alarm fees are not fair to residents; street cleaning is not adequate; he wants speed humps in front of his house removed.

Violet Cherry, 120 Tenafly Rd, is opposed to a fair in Depot Park because of the cleanup involved.

Norman Gorlyn, wants the Council to support an end to binding arbitration.

Alva Jones, King Gardens, wants a recreation center.

Bob Goldwaker, W. Ivy La, asked about stimulus money for the City.

Jean Hopewell, Liberty Rd, is opposed to false alarm fees; she wants a rec center at Liberty School.

Shirley Passow, is in favor of programs for youth and wants a performing arts school at Liberty School.

When no one else wished to address the Council, President Rosenzweig closed the public session.

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

City Clerk

Englewood, N.J., March 25, 2009

A Formal Meeting of the City Council of the City of Englewood, Bergen County, New Jersey, was held this evening in the Police Department Conference Room in the Public Safety Building commencing at 6:00 PM.

Present: Council President Ken Rosenzweig; Council members Charlotte Bennett Schoen, Scott Reddin, and Gordon Johnson.

Absent: Mayor Michael Wildes; Council member Jack Drakeford.

Also present Daniel Fitzpatrick, City Manager/Acting, City Clerk; William Bailey, City Solicitor.

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 notice as required by the Open Public Meetings Act.

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

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

WHEREAS N.J.S.A. 40A:4-58 provides that Budget Closeout Transfers must take place prior to March 31, 2009 for the 2008 Budget; and

WHEREAS, there is a need for budget transfers due to unforeseen circumstances and the need to provide funds to cover imminent obligations;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the Chief Financial Officer is hereby authorized to make transfers from Current Fund Budget Accounts for the year 2008 where a deficit would possibly occur on or before March 31, 2009 pursuant to and in accordance with provisions N.J.S.A. 40A:4-58, and according to the schedule attached hereto (page 1a of these minutes.)

Mr. Johnson moved that the following resolution be adopted. Ms. Schoen seconded the motion. Upon roll call, Mr. Reddin voted "No"; all other Council members present voted "Yes". President Rosenzweig declared the motion carried and the resolution duly adopted.

WHEREAS, the City of Englewood is required to designate an auditor pursuant to N.J.S.A. 40A:5-4; and

WHEREAS, the City Council has determined, based on professional experience, expertise, and reputation, to award appoint Charles Ferraioli, Registered Municipal Accountant, as the City Auditor and to award a contract therefor to of Ferraioli, Wielkotz, Cerullo & Cuva, P0 Box 259, Pompton Lakes, New Jersey pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

WHEREAS, the parties wish to mutually set forth the compensation and terms and conditions regarding such appointment; and

WHEREAS, the City Manager has determined and certified in writing that the anticipated payments under said contract may exceed \$17,500; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et. seq.) authorized the execution of such professional services contract without competitive bidding; and

WHEREAS, Ferraioli, Wielkotz, Cerullo & Cuva has completed and submitted a Business Entity Disclosure Certification which certifies that Ferraioli, Wielkotz, Cerullo & Cuva has not made any reportable contributions to a political or candidate committee in the City of Englewood pursuant to N.J.S.A. 9:44A-1 et seq. that, pursuant to P.L. 2004, c.19, as amended by P.L. 2005, c.51, would bar the award of this contract in the previous one year period preceding the award of this contract, and that the contract will prohibit Ferraioli, Wielkotz, Cerullo & Cuva from making any reportable contributions during the term of the contract; and

WHEREAS, sufficient funds are available for this purpose pursuant to the 2009 temporary budget of the City of Englewood;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey that Charles Ferraioli is hereby appointed as the City Auditor and that the City Manager is hereby authorized to execute, and the City Clerk to attest, an agreement between the City of Englewood and Ferraioli, Wielkocz, Cerullo & Cuva setting forth the duties, compensation, and terms and conditions respecting the appointment of the City Auditor for a term of one year effective January 1, 2009; and

BE IT FURTHER RESOLVED, that a copy of the within resolution, together with a copy of the Agreement and that the Business Disclosure Entity Certification and the Determination of Value, be on file in the Office of the City Clerk and be available for public inspection during regular business hours; and

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to cause a brief notice to be published once in the PRESS JOURNAL newspaper stating the nature, duration, service and amount of the contract and that the resolution and contract are on file and are available for public inspection in the Office of the City Clerk.

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

WHEREAS, the City of Englewood is in need of a Planning Consultant for the City of Englewood's Third Round COAH plan as well as certain fair share litigation currently pending; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) authorizes the execution of such professional services contract without competitive bidding; and

WHEREAS, the City Council finds, on the recommendation of the City Solicitor and based on professional experience, expertise, and reputation, that it would be in the best interests of the City of Englewood to award a contract for such services to Richard Preiss of the firm Phillips, Preiss, Shapiro Associates, Inc., 434 6th Avenue, New York, New York, 10011 as other than a "Fair and Open" contract; and

WHEREAS, the parties wish to mutually set forth the compensation and terms and conditions regarding such appointment; and

WHEREAS, sufficient funds are available for this purpose pursuant to the 2009 temporary budget of the City of Englewood;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, pursuant to N.J.S.A. 40A:11-1 et seq, that the City Manager is hereby authorized to execute an agreement between the City of Englewood and Richard Preiss to provide services as Planning Consultant and setting forth the duties, compensation at the rate of \$150 per hour, not to exceed \$25,000, and continuing until the conclusion of the lawsuit and completion of the Third Round COAH Plan or until a successor is appointed; and

BE IT FURTHER RESOLVED that a copy of the Agreement is on file in the Office of the City Clerk and is authorized to cause a brief notice to be published once in the PRESS JOURNAL newspaper stating the nature, duration, and amount of the contract.

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Inasmuch as there was no further business to come before the City Council, the Council President adjourned the meeting.

City Clerk