

Englewood, N.J., May 5, 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 Scott Reddin, Jack Drakeford, and Gordon Johnson; Also present were Daniel Fitzpatrick, City Manager; Lenore Schiavelli, City Clerk; William Bailey, City Solicitor.

Absent: Mayor Michael Wildes; Council member Charlotte Bennett Schoen.

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.

President Rosenzweig asked for a moment of silence in memory of retired Fire Chief JP Morgan.

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

Upon returning to open session, the City Manager discussed several items with the City Council including the City Municipal Alliance appointment; a carnival permit; park usage; Mr. Drakeford wants another budget session to determine possible cuts; agenda review.

Mr. Reddin 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.

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 - 1c 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 ordinances by title.

09-09 AN ORDINANCE OF THE CITY OF ENGLEWOOD, BERGEN COUNTY, NEW JERSEY, TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK CALENDAR YEAR 2009.
President Rosenzweig stated that the public hearing had been previously held

Mr. Reddin moved that Ordinance No. 09-09 be adopted on final reading and be published once, by title only, in the Press Journal. Mr. Johnson seconded the motion. Upon roll call, Mr. Johnson and Mr. Rosenzweig abstained; Mr. Johnson and Mr. Drakeford voted "No". President Rosenzweig declared the motion defeated.

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

Mr. Reddin moved that the following resolution be adopted. Mr. Johnson seconded the motion. Upon roll call, Mr. Drakeford voted "No"; all other 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 City Clerk is hereby authorized and directed to read the 2009 Budget by its title only at the public hearing; and

BE IT FURTHER RESOLVED THAT THE COUNCIL hereby declares that at least one week prior to the date of the hearing, a complete copy of the approved budget

1. Has been posted in City Hall, Englewood, New Jersey, and
2. Has been made available to each person requesting the same, during said week and during the public hearing.

President Rosenzweig stated that a vote on the budget will not take place at this time and opened the public hearing on the budget. The following persons spoke:

Norman Gorlyn, 150 Madison Ave, asked what the City's debt service was and what is the cost to taxpayers for the garage.

Helen Kipout, 99 Charles St, is opposed to tax abatements.

Curtis Caviness, 41 E. Forest Ave, asked about the increase in ratables.

President Rosenzweig continued the public hearing to a future meeting.

Mr. Reddin moved that the following resolution be adopted. Mr. Rosenzweig seconded the motion. Upon roll call, Mr. Johnson and Mr. Drakeford abstained; Mr. Reddin and Mr. Rosenzweig voted "Yes". President Rosenzweig declared the motion defeated.

WHEREAS, the binding arbitration process was intended to support local government aims by arriving at award decisions that are equitable to all involved parties, including municipalities, police and fire department personnel, and taxpayers; and

WHEREAS, the binding arbitration process is mandated by the state law; and

WHEREAS, municipalities are bound by strict fiscal controls embodied in the expenditure limit and tax levy cap laws; and

WHEREAS, it is the norm rather than the exception for state approved arbitrators to award raises for police and fire personnel salaries at rates that exceed cost of living indexes and the annual caps; and

WHEREAS, binding arbitration awards in excess of the caps force municipalities to cut other critically needed municipal services, in order to fund salary increases, compounded by pension increases, to police and fire personnel, and costs for police and fire services continue to spiral at an unacceptable rate; and

WHEREAS, the state approved binding arbitration process is inconsistent with the State cap laws and is unfair to municipalities attempting to control property taxes through fiscal responsibility;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood, Bergen County, New Jersey, urges the New Jersey State Legislature to pass legislation containing substantial reforms to the binding arbitration process; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to our State Senator, our Representatives in the General Assembly, the Governor, and the New Jersey League of Municipalities.

Mr. Johnson moved that the following resolution be adopted. Mr. Reddin seconded the motion. Upon roll call, Mr. Drakeford 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 has determined a need for consulting services to make a determination for the adoptive re-use and economic evaluation for the Liberty School and Mackay Park Ice Arena; and

WHEREAS, a preliminary expense reserve is necessary and the amount to be charged is for the purpose for which bonds may be issued under Chapter 2 of Title 40A;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the amount appropriated for preliminary costs shall not exceed \$40,000 and the Chief Financial Officer is authorized to set up a "Reserve for Preliminary Expenses" out of the Capital Improvement Fund of the General Capital Fund.

Mr. Drakeford 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, the Borough of Paramus has been awarded a Multi-Jurisdiction Justice Assistance Grant ("JAG") from the federal government; and
 WHEREAS, the City of Englewood is one of the participating municipalities and will receive \$41,244 under the grant award; and
 WHEREAS, these funds will be used for a records retention system of police department files; and
 WHEREAS, the execution of an Inter-Local Agreement between all participating municipalities is required to effectuate this grant award;
 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the City Manager is hereby authorized to execute the Inter-Local Grant Funds Agreement for the above noted purpose.

2. WHEREAS, application has been made for a Place-to-Place and Person-to Person transfer of Plenary Retail Consumption License # 0215-33-003-009 from a pocketed license to premises located at 412 South Van Brunt Street, Englewood, NJ, from Steak & Ale of New Jersey Inc. t/a Bennigan's to 4 West, LLC t/a 4 West Diner; and
 WHEREAS, the transferee has paid to the City of Englewood the necessary fee and has properly advertised as required by law; and
 WHEREAS, the City of Englewood has caused an investigation to be made and has not uncovered any violations; and
 WHEREAS, initial investigation indicates the applicant is eligible for the requested license; and
 WHEREAS, the applicant has disclosed and the City Council has reviewed the source of funds used in the purchase of the license and the licensed business; and
 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the Place-to-Place and Person-to-Person transfer of Plenary Retail Consumption License #0215-33-003-009 from Steak & Ale of New Jersey Inc. t/a Bennigan's to 4 West, LLC t/a 4 West Diner, is hereby approved.

3. 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 land management planning 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, Bergen County, New Jersey, supports the initiatives of the Association of New Jersey Environmental Commissions (ANJEC) 2009 Smart Growth Planning Assistance Grant Program and the City wishes to participate and ask for \$10,000 from ANJEC with the understanding that this is a matching reimbursement grant and the City guarantees to provide matching funds in an amount not to exceed \$10,000; and

BE IT FURTHER RESOLVED, that the Englewood Environmental Commission designee 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 any necessary documents required for Municipal Registration on behalf the City of Englewood.

The Chief Financial Officer's Certificate of Availability of Funds is on file in the office of the City Clerk.

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President Rosenzweig declared the public session open and the following persons spoke: Gerry Chambers, 294 Garden St, urged the Council to be austere in the budget. Cornelia Rogers, Humphrey St, complained of noise at the pistol range; she is oppose to alarm system registration.

Curtis Caviness, 41 E. Forest Ave, commented on politicalization of simple issues.

Gerald Marion, Fire Department, explained the procedure to lodge a complaint

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

City Clerk