

Englewood, N.J., June 9, 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: Mayor Michael Wildes; Council President Ken Rosenzweig; Council members Charlotte Bennett Schoen, Scott Reddin, Jack Drakeford, and Gordon Johnson; Also present were Daniel Fitzpatrick, City Manager; Lenore Schiavelli, 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 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 EMS reorganization and agenda review.

Mr. Drakeford moved that the minutes of the May 19, 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.

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.

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.

President Rosenzweig congratulated Debbian Barr on her recent certification as Court Administrator.

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President Rosenzweig stated that the 2009 Budget hearing was reopened and the following persons spoke:

Betty Grossman, 398 Marlboro Road, asked about staffing numbers.

Curtis Caviness, 41 E. Forest Ave, commented that the Tenafly budget was more controlled than the Englewood budget.

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

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

1. BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COUNTY OF BERGEN, that the 2009 Budget, as approved on April 7, 2009, is hereby adopted; BE IT FURTHER RESOLVED that the sums contained in the Official Budget constitute the appropriations and tax levy for the year 2009; and

BE IT FURTHER RESOLVED that the Budget authorizes the following:

\$45,731,430.02 in the Amount to be Raised Through Taxes for Municipal Purposes for 2009 (Including \$2,621,925.02 for the year 2009 BCUA Sewer Tax. Accordingly, \$43,109,505.00 is raised through taxes for City purposes)

\$ 334,153.00 in Addition to Local District School Taxes for Type I School District for 2009; representing 2009 School Debt Service

\$60,507,274.53 in Total Appropriations for 2009

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized to complete Sheet 41 and 42 of the Official Budget and is further authorized to make the necessary adjustments to the City of Englewood Annual Financial Statements including account cancellations and establishing accounts receivable.

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

Mr. Reddin moved that the following resolutions be adopted. 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.

2. WHEREAS, the general laws of the State of New Jersey grant the City Council the authority to review an application made by a certified telephone exchange carrier to install fiber-optic cable that is designed to provide telecommunications services within the municipality; and

WHEREAS, pursuant to N.J.S.A. 48:17-10, the City Council may grant its consent to the running of a local telephone line in, upon, along, over, or under any public road, street, or highway of the City via the passage of a resolution; and

WHEREAS, 4 Connections LLC ("4 Connections"), and its parent Cablevision Lightpath-NJ, Inc. ("Lightpath"), are Delaware corporations qualified to do business in New Jersey; and

WHEREAS, 4 Connections and Lightpath are authorized to provide telecommunications services in the State of New Jersey under authority granted to it by the New Jersey Board of Public Utilities; and

WHEREAS, 4 Connections and Lightpath seek consent from the City Council to install fiber-optic cable within public rights-of-way controlled by the City; and

WHEREAS, the City Council is satisfied that it is in the public interest to promote competition in the telecommunications market within the City by providing this authorization to 4 Connections;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, as follows:

1. Permission is hereby granted to 4 Connections and its parent, Lightpath, and their lawful successors and assigns, to install fiber optic cable and other telecommunications related facilities in and over the public rights-of-way for the purpose of operating a telecommunications network within the municipality's public right of way;

2. Any and all expenses related to the installation of the lines approved herein shall be borne by 4 Connections;

3. 4 Connections shall be required, at its own expense, to obtain all necessary permits and approvals as required by applicable law and regulations;

4. 4 Connections shall adhere to all applicable safety requirements related to the installation, operation, maintenance, and use of the telecommunications network within the municipality;

5. The permission granted herein shall be extended to 4 Connections, its successors, and/or assignees for twenty-five years, and at the end of said term, 4 Connections, its successors and/or assignees, by mutual agreement with the City of Englewood, may choose to extend the

permission granted herein for an additional twenty-five years;

6. 4 Connections, its successors and assigns shall defend indemnify, and hold the City harmless from any and all liability for damage to property or injury directly resulting from the installation, operation, maintenance, or use of the local lines authorized herein;

7. 4 Connections shall maintain and keep in force and effect, at its sole cost and expense, and at all times during the term of this resolution, sufficient liability insurance naming the municipality as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amount of one million dollars (\$1,000,000.00) for bodily injury or death to any one person, and one million dollars (\$1,000,000.00) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of 4 Connections exercise of it rights hereunder;

8. 4 Connections shall be responsible for the repair damage to paving, existing utility lines, or any surface or subsurface installations, arising from the installation or maintenance of the telecommunications network authorized herein.

9. 4 Connections shall provide the City, not more than forty-five (45) days after the effective date of this Resolution, at its sole cost and expense, a performance bond in the amount of twenty-five thousand dollars (\$25,000) to ensure faithful performance of its undertakings.

3. WHEREAS, lead poisoning can cause irreversible, life-long, serious harm including neurological and behavioral problems, developmental disabilities, decreased I.Q., growth problems, hearing loss, coma, and even death; and

WHEREAS, lead poisoning is preventable; and

WHEREAS, a blood lead test is the only method by which to diagnose a child as lead-poisoned; and

WHEREAS, paint that is deteriorating leaves children vulnerable to harmful lead exposure; and

WHEREAS, lead can be found in paint, dust, soil, water, certain industries, candies, toys, and folk remedies; and

WHEREAS, the Centers for Disease Control and Prevention currently have identified 10 micrograms per deciliter of whole blood as the level of concern for lead poisoning and have acknowledged that there is no safe blood lead level; and

WHEREAS, the Department of the Public Advocate has undertaken an investigation of lead paint poisoning in this State and has uncovered families at high risk for exposure to lead; and

WHEREAS, Governor Jon S. Corzine has issued Executive Order #100 to address the serious issue of childhood lead poisoning; and

WHEREAS, the lead poisoning problem in New Jersey is significant and statewide, but falls most heavily on the poor and on minorities in the State's older urban areas; and

WHEREAS, there are approximately 2,201 children under the age of six in the City of Englewood; and

WHEREAS, approximately 81% of Englewood's housing was built before 1978, when the national ban on the sale of lead paint went into effect, and approximately 3 1% of the housing in Englewood was built before 1950 when the level of lead in paint was at its highest; and

WHEREAS, there are exorbitant medical, educational, and social costs to both the City of Englewood and to the State associated with lead poisoning; and

WHEREAS, the City of Englewood has demonstrated a commitment to ensuring that its children are protected from the dangers of lead poisoning;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood, Bergen County, New Jersey, hereby declares that the City of Englewood is a Model Lead-Safe City that shall take of continue to take steps regarding educational outreach, screening, inspection, abatement, relocation, and grant applications; and

BE IT FURTHER RESOLVED as follows:

1. The City Manager shall designate one City Official as the Englewood Model Lead-Safe City Coordinator ("Coordinator") for all efforts related to the prevention of and response to lead poisoning;

2. The City of Englewood ("Englewood" or "City") shall ensure that educational materials concerning the dangers of lead poisoning and the need for blood lead screening are made available to all families;

3. In collaboration with local agencies, Englewood shall undertake efforts to increase blood screening rates within the City;

4. Englewood agrees to offer lead safe work practice training for contractors, home owners, demolition experts, and redevelopment contractors doing work on pre-1978 housing;

5. Englewood will meet with landlords and tenants to advise them of the dangers of lead paint hazards, the availability of State relocation, and abatement funds, the use of specialized cleaning techniques to minimize exposure to lead hazards, and the existence of disclosure laws;

6. Englewood shall determine the advisability and feasibility of having the City's inspectors become cross-trained State-licensed lead inspectors/risk assessors;

7. When Englewood determines that there is a lead hazard in one unit of a multi-unit dwelling, the residents of the multi-unit dwelling shall be notified of this risk and urged to get their children between the ages of six months old and six years old blood screened for lead;

8. Englewood shall assess the desirability and feasibility of conducting follow-up inspections on residences that had at least one lead paint hazard in the past year;

9. Englewood shall continue its current practice of ensuring that a lead inspector/risk assessor is dispatched to a child's home within 48-hours of the City having received notification of the child's poisoning;

10. Englewood shall continue its current practice of having case management meetings every two weeks to review all cases of lead poisoned children in the City;

11. Englewood shall continue its efforts to use tax records, school records, and other public records to locate dilatory landlords who refuse to comply with abatement orders;

12. Englewood shall collaborate to attempt to secure permanent and temporary relocation housing for families with lead poisoned children;

13. Englewood shall investigate and apply for lead grants;

14. Englewood shall adopt ordinances necessary to deal with lead hazards;

15. Englewood shall examine the feasibility of having a forum that would provide an opportunity to become more familiar with the issues surrounding lead poisoning, relocation, and abatement and to share ideas for solving identified problems;

16. Englewood shall work with the Local School Districts to identify its usage of products that may contain lead;

17. Englewood shall continue its efforts to check stores that may be selling recalled toys and other merchandise containing lead;

18. Englewood shall coordinate with the DCA towards developing an up-to-date list of all lead-safe properties in Englewood;

19. Englewood Health Department will ensure that data analysis continues to take place to identify areas in the City where children have elevated blood lead levels or are not being tested and initiate the most clinically appropriate corrective actions for the safety of all children living in the City of Englewood.

20. The City of Englewood shall increase its enforcement of lead-based paint hazard reduction and/or abatement orders and to prosecute uncooperative and/or absentee Landlords; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute any documents necessary pertaining to grant applications and/or agreements in the furtherance of lead abatement in the City of Englewood.

4. WHEREAS, sealed bids were received on May 14, 2009 for Pool Summerizing/Winterizing and Installation of Drain Covers in accordance with specifications therefore and following public advertisement as required by law; and

WHEREAS, the only responsible bidder was Nautilus Swimming Pool Supplies & Service, Inc., 80 Patterson Street, Hillsdale, NJ 07642; and

WHEREAS, the bid submitted by Nautilus Swimming Pool Supplies & Service, Inc. is in compliance with the specifications and based upon the recommendation of the Purchasing Agent and Recreation Director is in the best interest of the City;

WHEREAS, this bid is awarded according to a fair and open process pursuant to PL 2004, c.19;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by Nautilus Swimming Pool Supplies & Service, Inc. in the total amount of \$25,235 be accepted; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute an agreement between the City of Englewood and Nautilus Swimming Pool Supplies & Service, Inc. to carry out the foregoing purpose.

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

5. WHEREAS, bids were received by the City of Englewood on May 19, 2009 for Project Number 110903, 2009 Curb and Sidewalk Reconstruction, City of Englewood, following public advertisement and in accordance with specifications therefor in accordance with law; and

WHEREAS, A Takton Concrete Corp, Inc., 13 Tice Avenue, South River, New Jersey 08882 submitted the lowest bid in the sum of \$117,080; 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 2009 Curb and Sidewalk Reconstruction, City of Englewood, to A Takton Concrete Corp, Inc., 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 A Takton Concrete Corp, Inc., in the total sum of \$117,080 for the Base Bid for 2009 Curb and Sidewalk 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 A Takton Concrete Corp, Inc., to carry out the foregoing purposes together with any necessary 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.

6. WHEREAS, sealed bids were received on April 16, 2006 for Major Vehicle Repair for a one year period in accordance with specifications prepared therefore and following public advertisement as required by law; and

WHEREAS, the lowest responsible bidder is Ken Smith Motors, 15 Franklin Avenue, Ridgewood, NJ 07450 in the sum of \$53,825; and

WHEREAS, the bid submitted by Ken Smith Motors is in compliance with the specifications and based upon the recommendation of the City Treasurer is in the best interest of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by Ken Smith Motors in the sum of \$53,825 for Major Vehicle Repair for a one year period is accepted; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute an agreement between the City of Englewood and Ken Smith Motors to carry out the foregoing purpose.

The Finance Director's Certificate of Availability of Funds is on file in the Office of the City Clerk.

7. WHEREAS, sealed bids were received on April 16, 2006 for Minor Vehicle Repair for a one year period in accordance with specifications prepared therefore and following public advertisement as required by law; and

WHEREAS, the lowest responsible bidder is S&H Auto Repair, 75 Lafayette Place, Englewood, NJ 07631 in the sum of \$52,600; and

WHEREAS, the bid submitted by S&H Auto Repair is in compliance with the specifications and based upon the recommendation of the City Treasurer is in the best interest of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by S&H Auto Repair in the sum of \$52,600 for Minor Vehicle Repair for a one year period is accepted; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute an agreement between the City of Englewood and S&H Auto Repair to carry out the foregoing purpose.

The Finance Director's Certificate of Availability of Funds is on file in the Office of the City Clerk.

8. WHEREAS, in 2002 through the year 2007 the property listed below received a Senior Citizen deduction and a Veteran's Widow deduction; and

WHEREAS, in 2008 the property listed below incurred an addition to the name of owners; and

WHEREAS, the Senior Citizen and Veteran's Widow remained a named owner in 2008; and

WHEREAS, the entry of the additional names to the property listed below caused a removal of the aforementioned deductions;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the property listed below receive for the 2008 tax year the sum of \$500.00, the amount of the Senior Citizen and Veteran's Widow deduction still eligible on that property.

Block	Lot	Address	Amount
204	2	437 Liberty Rd.	\$500.00

9. WHEREAS, it is necessary to amend the 2009 Capital Budget; and

WHEREAS, the City Council recommends that said 2009 Capital Budget be amended to add an appropriation for capital projects;

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

Section 1. The City's 2009 Capital Budget is hereby amended to add an additional appropriation as follows:

Purpose: Reconstruction and Replacement of Curbs and Sidewalks located in the City.

Appropriation and Estimated Cost:	\$100,000
Estimated Maximum Amount of Bonds or Notes:	\$ 95,000
Period or Average Period of Usefulness:	10 years
Amount of Down Payment:	\$ 5,000

Section 2. This Resolution shall take effect immediately.

10. WHEREAS, the City Administration requires the services of a licensed attorney to serve as the Hearing Officer for disciplinary charges that have been filed against a member of the Englewood Police Department; and

WHEREAS, the City Manager has designated Edward Dunne, Esq., 410 Route 10 West, Ledgewood, N.J. to serve as the Hearing Officer in this matter; and

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

WHEREAS, Edward Dunne, Esq. shall complete a Business Entity Disclosure Statement prior to being retained;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that Edward Dunne, Esq., is hereby authorized to serve as Hearing Office in the above matter in an amount not to exceed \$7,500.

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

11. WHEREAS, the City Council approved a resolution of February 19, 2008 that requires persons or entities that rent or lease ball fields, parks, and recreational facilities to provide proof of insurance prior to such use; and

WHEREAS, many individual residents of Englewood obtain permits to reserve an area of a park for events such as birthdays and family gatherings; and

WHEREAS, these individuals are generally unable to obtain insurance coverage for such a purpose and the City has been unable to obtain a Special Event policy at a reasonable cost; and

WHEREAS, the City Council wishes to encourage the use of its park facilities by all residents;

NOW, THEREFORE, BE IT RESOLVED by the City Council that the requirement for individuals to obtain proof of insurance for use of an area in a City park is hereby removed but all other requirements of the February 19, 2008 resolution remain in place.

Ms. Schoen introduced the following ordinances by title:

- 09-12 AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 12 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD RELATING TO THE RECYCLING.
- 09-13 BOND ORDINANCE OF THE CITY OF ENGLEWOOD, BERGEN COUNTY, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF ENGLEWOOD AND APPROPRIATING \$3,392,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$3,229,000 IN BONDS OR NOTES OF THE CITY OF ENGLEWOOD TO FINANCE THE SAME.
- 09-14 AN ORDINANCE CREATING CHAPTER 19A "AMBULANCE SERVICES" IN THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD AND ESTABLISHING THE ENGLEWOOD FIRE DEPARTMENT DIVISION OF EMERGENCY MEDICAL SERVICES (EFDDEMS).

The City Clerk stated that a Supplemental Debt Statement setting forth the obligations to be authorized by this ordinance had been completed and filed in the office of the City Clerk.

Ms. Schoen moved that the ordinances pass on first reading and be published once, in full, in the Press Journal and that a public hearing thereon be held June 23, 2009. Mr. Reddin seconded the motion.

Upon roll call, all 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: Mitch Rosenberg, former Council member, in town for a visit sent greetings.

David Bowman, 25 Armory St, suggested a committee to provide a sign in the name of Raymond Wright for the public safety complex.

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

City Clerk