

Englewood, N.J., June 23, 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 Pro Tem Scott Reddin; Council members Charlotte Bennett Schoen, and Gordon Johnson; Also present were Daniel Fitzpatrick, City Manager; Lenore Schiavelli, City Clerk; William Bailey, City Solicitor.

Absent: Council Members Kenneth Rosenzweig and Jack Drakeford.

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

The City Manager discussed several items with the City Council including the Liberty School/ice rink study and agenda review.

The City Clerk stated that communications received for the Mayor and Council were listed on the Digest (page 1a of these minutes).

Mr. Johnson moved that the minutes of the June 9, 2009 Council Meeting be approved. Ms. Schoen seconded the motion. Upon roll call, all Council members present voted "Yes". President Reddin 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 Reddin 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 1b - 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 Reddin stated that consideration would be given to the following ordinances. The City Clerk read the ordinances by title and stated that the Supplemental Debt Statement setting forth the obligations to be authorized by Ordinance No. 09-13 was duly executed and filed in the office of the Director of Local Government Services and the Director had certified receipt of same.

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).

President Reddin declared the public hearing on the ordinance open and the following person spoke:

Steve Weitzman, 275 Engle St, EVAC, supports the Fire Dept. emergency services division.

When no one else wished to speak on the ordinance, President Reddin closed the public hearing.

President Reddin stated that no vote would be taken on Ordinance 09-13 at this time.

Ms. Schoen moved that the ordinances pass on final reading and be published once by title only with the usual legal notice in the press journal. Mr. Johnson seconded the motion.

Upon roll call, all Council members present voted "Yes". President Reddin declared the motion carried and the ordinances duly adopted.

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President Reddin 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. Ms. Schoen seconded the motion. Upon roll call, all Council members present voted "Yes". President Reddin declared the motion carried and the resolutions duly adopted.

1. WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, NJSA 39:4-139.2 et seq. allows municipalities to receive amounts for costs incurred for:

Parking Offenses Adjudication Act; and

WHEREAS, NJSA 39:4-139.2 et seq provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

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

1. The City of Englewood hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Parking Offense Adjudication Act as per NJSA 39:4-139.2 et seq;

2. The City Clerk is shall forward two certified copies of this resolution to the Director of the Division of Local Government Services.

2. 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 \$25,000.

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

3. 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

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 \$15,000, 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.

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

4. WHEREAS, the City of Englewood desires to improve South Woodland Street and provide adequate drainage, sanitary sewers, sidewalks, and a paved surface; and

WHEREAS, the City of Englewood wants to improve the safety conditions for both pedestrians and vehicles because of the proximity to two schools;

NOW, THEREFORE, BE IT RESOLVED that City Council of the City of Englewood, Bergen County, New Jersey, authorizes the City Manager to submit an electronic grant application identified as MA-2010-Englewood City-00711 to the New Jersey Department of Transportation on behalf of the City of Englewood; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute and the City Clerk to attest the grant agreement on behalf of City of Englewood and that their signatures constitute acceptance of the terms and conditions of the grant agreement.

5. WHEREAS, the City Council previously authorized the acceptance of Multi-Jurisdictional Justice Assistance Grant ("JAG") in the amount of \$41,244, to be used for the development of a records management system in the Police Department; and

WHEREAS, additional JAG grant funds in the amount of \$10,003 have become available for this purpose; and

WHEREAS, the execution of an Inter-Local Agreement between the participating parties is required to effectuate this grant award;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the City Manager and City Clerk are hereby authorized to execute the Inter-Local Grant Funds Agreement with the Borough of Paramus for the above noted purpose.

6. WHEREAS, the City purchased a new ambulance in 2007 for use by the Englewood Volunteer Ambulance Corps ("EVAC), which ambulance is owned by the City; and

WHEREAS, EVAC received a \$50,000 loan from New Jersey Department of Community Affairs (VESO Loan No. 07-0745-00), the proceeds of which were used to pay a portion of the cost of the new ambulance; and

WHEREAS, EVAC is in default of the first payment of the loan agreement in the amount of \$6,000, which was due on October 9, 2008, and appears incapable of making future payments; and

WHEREAS, EVAC has requested that the City take over a significant portion of the emergency medical services responsibilities in the City and this will necessitate the 2007 ambulance being used by the Englewood Fire Department EMS;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, County of Bergen, State of New Jersey, that the City hereby assumes responsibility for the repayment of this loan to the State of New Jersey;

BE IT FURTHER RESOLVED that the City Manager and City Clerk are authorized to execute any documents necessary with EVAC and/or the State of New Jersey to effectuate this resolution.

7. WHEREAS, the City of Englewood requires performance bonds, letters of credit, or cash bonds for all construction projects and development projects to ensure project completion; and WHEREAS, from time to time the City Engineer is required to certify that a project has been completed in accordance with plans and specifications and/or the Developer's Agreement; and

WHEREAS, a general resolution of authorization would, therefore, expedite the process of compliance;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the City Engineer is hereby authorized to sign any and all forms of certification of completion and to release bonds for construction and development projects within the City of Englewood.

8. WHEREAS, the City of Englewood can not have their overall tax rate certified since the amount of the tax levy will not be known until after the final tax levy amounts are determined by the State of New Jersey; and

WHEREAS, the City of Englewood Tax Collector and Chief Financial Officer have computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

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

1. The City of Englewood Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the City for the third installment of 2009 taxes. The Tax Collector shall proceed upon approval from the Director of the Division of Local Government Services to take such actions as permitted and required by PL. 1993.c.72 (N.J.S.A.4:4-66.2 and 54:4-66.3).

2. The entire estimated levy for 2009 is hereby set at \$103,737,256.78 and the estimated tax rate set at \$ 1.963.

3. In accordance with the law the third installment of 2009 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated tax bills are mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

9. BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ENGLEWOOD that the City Clerk is hereby directed to sign, issue, and deliver alcoholic beverage licenses to each of the persons, associations, firms, corporations, or clubs on the list below, to be effective only at the locations set forth after their respective names for the period beginning July 1, 2009 at 12:01 AM and ending June 30, 2010 at 12:00 midnight; and

BE IT FURTHER RESOLVED that a periodic review of all liquor licenses will be done during the 2009-2010 year.

PLENARY RETAIL CONSUMPTION

0215-33-003-010	4 West LLC t/a 4 West Diner	412 S. Van Brunt St.
0215-32-009-003	YNS Englewood Liq. Inc. t/a Englewood Liquors	42 E. Palisade Ave.
0215-33-017-002	One W. Englewood Ave., Corp. t/a Club One West	1-3-5 W. Englewood
0215-33-027-006	Sangria LLC t/a Sangria	90 W. Palisade Ave
0215-33-044-002	Bergen PAC	30 N. Van Brunt St.
0215-33-020-005	Tapas de Espana II, Inc.	47 N. Dean St.
0215-33-014-006	AWJ Inc. t/a Solaia's	22 N. Van Brunt St.
0215-33-025-007	Du Enterprises LLC t/a Koi Lounge	11 N. Dean Street
0215-33-006-004	Larry Brad Drucker, Inc. t/a Cassie's Restaurant	18 S. Dean Street
0215-33-005-009	Parea LLC t/a Nisi	90 Grand Ave.
0215-32-011-006	T.H.S. Wine & Liquors t/a Oprandy's Wine & Liquor	14-16 East Hudson
0215-33-022-010	Smoke Inc t/a Smoke Chophouse & Cigar Emp.	36 Engle St.

0215-33-045-010	Sotland & Gettenberg LLC t/a Grand Cru Food & Wine	40 N. Van Brunt St.
0215-33-024-012	21 Palisade Avenue LLC t/a Blue Moon Mexican Café	21 E. Palisade Ave.
0215-33-007-010	Philia LLC	126 Engle St.
0215-36-046-004	CP Englewood Lessee Inc t/a Crowne Plaza	401 S. Van Brunt St.
0215-33-023-004	ERA Hospitality, LLC	
<u>PLENARY RETAIL DISTRIBUTION LICENSES</u>		
0215-44-013-008	SUDHDH LLC t/a Wides Liquors	228 W. Englewood
0215-44-039-003	Grand Liquors & Deli	124 Grand Ave.
0215-44-028-007	Jayshri Ambe, Inc.. t/a C&R Beverage	91 W. Palisade Ave.
0215-44-008-010	Alison Beverage t/a Shop-Rite	53 Nathaniel Pl.
0215-44-004-007	Gettenberg & Wellish, LLC T/a Englewood Wine Merchants	3 E. Palisade Ave
0215-44-019-004	Jerry's Outlet Inc. t/a Jerry's Gourmet & More	410 S. Dean St.
0215-44-015-010	Englewood Joe II Wines & Liquor, Inc	70 Grand Ave.
<u>LIMITED RETAIL DISTRIBUTION</u>		
0215-43-002-006	M.Y. Deli, Inc.	548 Grand Ave.
0215-43-001-005	Jordan Convenience Corner Inc.	190 Englewood Ave
<u>CLUB LICENSES</u>		
0215-31-037-001	Shiloh Craftsman Club	37 Bennett Road
0215-31-034-001	Englewood Field Club	341 Engle St.
0215-31-042-001	Congregation Ahavath Torah	240 Broad Ave.
0215-31-032-002	Ideal Lodge #470 IBPOE of the World	17 Bennett Road
0215-31-030-001	Henry Douglas Post #58 American Legion Inc.	151 W. Forest Ave.

Ms. Schoen moved that the following resolution be adopted. Mr. Reddin seconded the motion. Upon roll call, Mr. Johnson voted "No"; all other Council members present voted "Yes". Mr. Bailey stated that three votes in the affirmative are required to approve a resolution.

WHEREAS, sealed bids were received on May 14, 2009 for Elevator Inspection Services in accordance with specifications prepared therefor and following public advertisement as required by law; and

WHEREAS, the two proposals were received but the only responsible bid received was submitted by Municipal Inspection Corp., 183 West 4th Street, Bayonne, New Jersey, 07002, in the amount of 75% of fees collected and at no cost to the City; and

WHEREAS, the bid submitted by Municipal Inspection Corp. is in compliance with the specifications and based upon the recommendation of the Construction Official 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 Municipal Inspection Corp. 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 Municipal Inspection Corp. to carry out the foregoing purpose.

President Reddin declared the public session open and the following person spoke: Hobart, Liberty Road, asked for a list of streets in the capital budget.

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

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

City Clerk