

Englewood, N.J., March 18, 2008

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 Robert Casey, City Manager; Lenore Schiavelli, City Clerk; Mr. Rogers, Acting 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 and agenda review.

President Rosenzweig stated that consideration would be given to the following ordinance. The City Clerk read the ordinance by title.

08-07 BOND ORDINANCE OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING ORDINANCE 03-18 AS PREVIOUSLY AMENDED BY ORDINANCE 05-18, PROVIDING FOR THE ACQUISITION OF LAND AND THE CONSTRUCTION OF A ROADWAY INCLUDING AN ACCESS AREA OFF ROUTE 4 EASTBOUND AND A PUBLIC ROADWAY FROM ROUTE 4 TO SHEFFIELD AVENUE IN THE CITY OF ENGLEWOOD AND APPROPRIATING \$10,035,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$9,533,250 IN BONDS OR NOTES OF THE CITY OF ENGLEWOOD TO FINANCE THE SAME, AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF.

The City Clerk stated that the supplemental debt statement setting forth the obligations to be authorized by this ordinance had been duly filed in the office of the Director of the Division of Local Government Services and the Director had certified receipt of same.

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

The City Manager and City Engineer explained the Route 4 South roadway.

Elie Kelly, 350 Shepard Ave, asked about the cost to the City of the Route 4 South development.

Sandra Slipp, 224 Chestnut St, believes that the developer should pay for the roadway.

Mark Shlussel, 291 S. Van Brunt St, does not want to be included in the special assessment.

Mr. Drakeford stated that the special assessment board should include non-political professionals.

Sy Sathma, 100 W. Forest Ave, asked what would happen if an assessed business goes bankrupt.

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

Mr. Johnson moved that the ordinance pass on final reading and be adopted and that the ordinance be published once with the usual legal notice in the Press Journal. 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 ordinance duly adopted.

Ms. Schoen moved that the minutes of the February 19 and March 4, 2008 Council Meetings be approved. Mr. Reddin seconded the motion. Upon roll call, Mr. Drakeford abstained on the March 4 minutes and all Council members present voted "Yes". President Rosenzweig declared the motion carried.

Mr. Reddin moved that the following Resolution be adopted. Ms. Schoen 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 2a - 2c of these minutes) is hereby made a part of the minutes of this meeting.

Mayor Wildes and Council members commented on past and upcoming events.

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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 resolutions be adopted by Unanimous Consent. Mr. Johnson 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, sealed bids were received on February 14, 2008 for Heating and Air Conditioning Maintenance Service for the years 2008 and 2009 in accordance with specifications therefore and following public advertisement; and

WHEREAS, four bids were submitted and the bid of Pow-R-Save, Inc., 27 West Street, Bloomfield, New Jersey, 07003 was the lowest responsible bid in the amount of \$2,800 for 2008 and \$3,100 for 2009 and is in compliance with the specifications and based upon the recommendation of the Director of Public Works and the Purchasing Agent, can be accepted by the City Council; and

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 base bid submitted by Pow-R-Save, Inc. in the amount of \$2,800 for 2008 and \$3,100 for 2009 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 Pow-R-Save, Inc. for Heating and Air Conditioning Maintenance Service in accordance with the specifications therefore.

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

2. WHEREAS, sealed bids were received on February 14, 2008 for a Fire Department Personal Escape Systems in accordance with specifications prepared therefore and following public advertisement as required by law; and

WHEREAS, the lowest responsible bid received was submitted by North American Rescue Systems, 73 Mount Pleasant Tpke, Denville, NJ 07834 in the amount of \$17,700 for 60 units; and

WHEREAS, the bid submitted by North American Rescue Systems is in compliance with the specifications and based upon the recommendation of the Fire Chief 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 North American Rescue Systems in the sum of \$17,700 for Fire Department Personal Escape Systems 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 North American Rescue Systems 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.

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

RAFFLE LICENSE - Englewood Hospital - to be held on June 15, 2008.

4. WHEREAS N.J.S.A. 40A:4-58 provides that Budget Closeout Transfers must take place prior to March 31, 2008 for the 2007 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 2007 where a deficit would possibly occur on or before March 31, 2008 pursuant to and in accordance with provisions N.J.S.A. 40A:4-58, and according to the schedule attached hereto. (Schedule is on page 3a of these minutes.)

5. WHEREAS the City purchased property fronting on Route 4 eastbound for the purpose of constructing an access road for the area south of Route 4 which shall be partially financed by assessments upon the benefitting properties; and

WHEREAS the City has entered into development contracts for these adjoining properties wherein the City has guaranteed to have said access road completed by a specific date and failure of the City to meet these obligations may cause the City to forgo certain future revenues or have the receipt of these revenues delayed; and

WHEREAS the properties purchased contained former automotive fuel stations and the sellers of the stations had completed environmental clean up of the site prior to sale to the City; and

WHEREAS at the March 3 meeting of the City Council, the council authorized an emergency contract for the removal of one 5,000 gallon underground tank, containing gasoline, uncovered during the site demolition process; and

WHEREAS two additional tanks have been discovered on site and must be removed before this roadway can be constructed; and

WHEREAS to accomplish the removal of these additional tanks in an expeditious manner, the City Manager and City Engineer authorized Environmental Waste Management Associates, already on site removing one other underground tank to remove these existing tanks; and

WHEREAS 40A:11-6, establishes procedures for local officials to award and /or extend emergency contracts that exceed the bid threshold of the Public Contracts Law to address specific emergent conditions with the City Council required to declare certain emergent conditions requiring the waiving of normal bid procedures; and

WHEREAS the City Engineer has filed a report with the City Manager certifying the emergent need for the removal of the initial tank and the two additional tanks given the commitments of the city to complete the access road within certain time constraints contained in formal agreements between the City and the adjoining property owners; and

WHEREAS the estimated value of the original emergency contract was \$23,440, and the cost of this contract extension is estimated to be an additional \$26,470 with additional costs that may be incurred depending upon remediation activity that may be required to correct soil and water contamination that may be discovered when the tanks are removed; and

WHEREAS the regulations of the Local Public Contracts Law provides for the approval of emergency contracts of this magnitude provided that certain approvals, certifications, and notice provisions are met; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, that the City Manager is hereby authorized to extend the contract with Environmental Waste Management Associates by \$26,470 for the removal of the two additional underground storage tanks at 120 Route 4 East, plus related testing and remediation work as required, to meet the requirements of the NJDEP in a total amount not to exceed \$60,000.

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

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

WHEREAS, bids were received by the City of Englewood on February 28, 2008, for Project Number 110407, Route 4 to Sheffield Avenue Connector Road Project, City of Englewood, following public advertisement and in accordance with specifications therefor in accordance with law; and

WHEREAS, of the eight bids received, English Paving Co., Inc., Box 423, Ridgefield, New Jersey 07657 submitted the lowest bid for the Base Bid and Alternate No. 1 in the total sum of \$ 1,068,982; 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 Route 4 to Sheffield Avenue Connector Road Project, City of Englewood, to English Paving Co., 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 English Paving Co., Inc., in the total sum of \$ 1,068,982 for the Base Bid and Alternate No. 1 for Route 4 to Sheffield Avenue Connector Road Project 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 English Paving Co., 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 and is available for public inspection.

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

WHEREAS the Bergen Family Center has provided services to the City of Englewood pursuant to an agreement with the City for a Teen Program between March 1, 2007 and February 29, 2008; and

WHEREAS the term of the agreement for these services has expired but the allocated funds, up to \$40,000, has not been exhausted; and

WHEREAS the City Council has found the services provided by the Bergen Family Center to be of significant benefit to the youth of the City and is desirous of continuing the agreement for service;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the agreement with Bergen Family Center to provide a Teen Program be extended for the remainder of the 2008 calendar year and that the allotment of \$40,000 not be exceeded during this time period.

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President Rosenzweig declared the public session open and the following persons spoke:
Jack Silverman, 320 Murray Ave, asked if the City was sponsoring any events to celebrate June as gay and lesbian pride month.

Elie Kelly, 350 Shepard Ave, asked about funding for EVAC and suggested that more employees be hired for the DPW.

Shirley Smith, W. Palisade, wants her street and sidewalks repaired.

Mr. Clark, 345 DeCatur Ave, asked if the DPW budget would be cut.

Gene Skurnick, 296 Marlboro Rd, commented that the electronic recycling is good.

Cornelia Rogers, Humphrey St, commented that Chief Bowman has improved police services.

Joe Clark, 200 John St, asked about the tank removal on Route 4.

James Evans, 341 Washington Pl, said that properly filed plans would have indicated buried gas tanks.

Warren Newman, Engle St, complained that the Charter is out of date.

Curtis Caviness, 41 E Forest Ave, believes the public trust is in question.

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

Upon motion duly made, seconded, and passed, the Council adjourned to closed session to discuss personnel matters.

Upon returning to open session and inasmuch as there was no further business to come before the City Council, the Council President adjourned the meeting.

City Clerk