

Englewood, N.J., May 6, 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 Pro Tem Scott Reddin; Council members Charlotte Bennett Schoen, Jack Drakeford, and Gordon Johnson.

Absent: Council member Ken Rosenzweig.

Also present were Robert Casey; City Manager; Lenore Schiavelli, City Clerk; William Bailey, City Solicitor.

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.

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Mr. Johnson moved that the following resolution be adopted. Ms. Schoen 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 City Clerk is hereby authorized and directed to read the 2008 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 Reddin declared the public hearing on the budget open and the following persons spoke:

The City Manager read the 2008 Budget Summary for the public.

Cornelia Rogers, Humphrey St, asked what items would be amended.

Mr. Drakeford stated that he is opposed to the Budget in its present form and is concerned about future debt.

Greg Powell, 165 Slocum Ave, believes that services are diminishing and does not understand why taxes are up.

Betty Grossman, Marlboro Rd, asked what the pay increase will be for City employees.

Curtis Caviness, 41 E. Forest Ave, questioned budget amendments.

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

Ms. Schoen 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 Reddin declared the motion carried and the resolution duly adopted.

WHEREAS, the local municipal budget for the year 2008 was approved on the 8th day of April, 2008 and;

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said approved budget;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, County of Bergen, New Jersey, that the following amendments to the approved budget of 2008 be made and a public hearing thereon be held on May 20, 2008 at 7:30 PM, 73 S. Van Brunt Street:

	FROM	TO
3. Miscellaneous Revenues- Section A: Local Revenues		
Municipal Hotel Tax	0.00	92,875.00
Total Section A: Local Revenues	3,262,800.00	3,355,675.00
3. Miscellaneous Revenues- Section F: Special Items of Revenue Anticipated- Public & Private Revenues Offset with Appropriations		
Pandemic Flu Preparedness Grant	0.00	7,915.00
Reach & Teach Program	0.00	24,000.00
Total Section F: Special Items of Revenue Anticipated- Public & Private Revenues Offset with Appropriations	82,778.17	114,693.17
3 Total Miscellaneous Revenues	7,460,688.17	7,585,478.17
5. Subtotal General Revenues (Items 1, 2, 3, and 4)	13,810,688.17	13,935,478.17
6. Amount to be Raised by Taxes for Support of Municipal Budget:		
(a) Local Tax for Municipal Budget Purposes Including Reserve for Uncollected Taxes		
	43,638,355.00	43,638,355.00
Total Amount to be Raised for Support of Municipal Budget	43,993,945.00	43,993,945.00
7. Total General Revenues	57,804,633.17	57,929,423.17
8. General Appropriations (A) Operations within "CAPS"		
General Government:		
Englewood Emergency Med. Svs, - Aid	70,000.00	105,000.00
Uniform Construction Code - Salaries & Wages	723,502.00	763,502.00
Total Operations (8(A)) within "CAPS"	40,272,547.00	40,347,547.00
Total Operations including Contingent - within "CAPS"	40,280,547.00	40,355,547.00
(E) Deferred Charges and Statutory Expenditures - Municipal within "CAPS"		
(2) Statutory Expenditures:		
DCRP Contribution	0.00	13,500.00
Total Deferred Charges and Statutory Expenditures - Municipal within "CAPS"	1,232,347.00	1,245,847.00
8. General Appropriations (A) Operations within "CAPS"		
(H-1) Total General Appropriations for Municipal Purposes within "CAPS"	41,512,894.00	41,601,394.00
8. General Appropriations (A) Operations- Excluded from "CAPS" Public & Private Programs Offset by Revenues		
Pandemic Flu Preparedness Grant	0.00	7,915.00
Reach & Teach Program	0.00	24,000.00
Municipal Alliance - Local Match	0.00	4,375.00
Total Public & Private Program Offset by Revenues	82,778.17	119,068.17
Total Operations Excluded from "CAPS"	9,167,874.17	9,204,164.17
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	13,111,149.17	13,147,439.17
(O) Total General Appropriations- Excluded from "CAPS"	13,466,739.17	13,503,029.17
(L) Subtotal General Appropriations	54,979,633.17	55,104,423.17
Total General Appropriations	57,804,633.17	57,929,423.17
8 General Appropriations- Summary of Appropriations		
(A) Operations (a+b) Within "CAPS"- Including Contingent		
(B)	40,280,547.00	40,355,547.00
Statutory Expenditures	1,232,347.00	1,245,847.00
(a) Operations- Excluded from "CAPS"		
Other Operations	9,085,096.00	9,085,096.00
Public and Private Programs Offset by Revenues	82,778.17	119,068.17
Total Operations- Excluded from "CAPS"	9,167,874.17	9,204,164.17
Total General Appropriations	57,804,633.17	57,929,423.17

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for certification of the 2008 Local Municipal Budget so amended.

The City Manager discussed several items with the City Council and agenda review.

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Ms. Schoen moved that the minutes of the April 1, 8, 28, 2008 Council Meetings be approved. Mr. Johnson seconded the motion. Upon roll call, all Council members present voted "Yes". President Reddin declared the motion carried.

Mr. Drakeford 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 1a - 1g of these minutes) is hereby made a part of the minutes of this meeting.

Council members commented on past and upcoming events.

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

08-09 AN ORDINANCE APPROPRIATING FUNDS FROM THE CAPITAL FUND SURPLUS OF THE CITY OF ENGLEWOOD TO PROVIDE SECURITY IMPROVEMENTS IN THE HEALTH DEPARTMENT AND TO RECONSTRUCT THE ISLANDS ON WEST PALISADE AVENUE

08-10 BOND ORDINANCE OF THE CITY OF ENGLEWOOD, BERGEN COUNTY, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER EXPENSES IN THE CITY OF ENGLEWOOD AND APPROPRIATING \$ 995,500 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$ 948,000 IN BONDS OR NOTES OF THE CITY OF ENGLEWOOD TO FINANCE THE SAME.

08-11 AN ORDINANCE AMENDING ORDINANCE NO. 05-08 ESTABLISHING FEES FOR LICENSES, PERMITS AND OTHER APPLICATIONS WITHIN THE CITY OF ENGLEWOOD.

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

Mr. Drakeford is opposed to increasing fees for any recreation programs.

Curtis Caviness, 41 E. Forest Ave, asked what the bond ordinance would be providing in the Health Dept; he asked about changes in the recreation programs.

Elie Kelly, 350 Shepard Ave, is opposed to charging fees for recreation programs.

David Popkin, Tenaflly Rd, asked about garbage collection fees.

James Evans, Washington Pl, is opposed to fees for recreation programs.

Joe Clark, John St, is opposed to fees for recreation programs.

Lashawn Lucas asked why fees are being charged for garbage collection.

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

Mr. Reddin moved that Ordinances No. 08-09 and 08-10 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 Ordinances duly adopted.

Mr. Reddin moved that Ordinance No. 08-11 be amended as follows:

<u>MISCELLANEOUS</u>		
Public Works - Voluntary rear yard garbage pick-up	\$50	per quarter
(No fee for households wherein resides a senior citizen or those who are medically incapable of transporting household waste to the curb.)		

Mr. Johnson seconded the motion. Upon roll call, Mr. Drakeford voted "No"; all other Council members present voted "Yes". President Reddin declared the motion carried and the ordinance duly amended. A public hearing on the ordinance as amended will be held on May 20, 2008.

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President Reddin 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. Johnson 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, sealed bids were received on March 20, 2008, for "Recreation Department Bus Service", in accordance with specifications therefor and following public advertisement thereof pursuant to law; and

WHEREAS, one bid was received from Academy Express, 111 Paterson Ave, Hoboken, NJ 07080, in the amount of \$28,018; and

WHEREAS, the amount bid for this service is above the 2008 City of Englewood appropriation allotted for same;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the bid of Academy Express in the amount of \$28,018 for Recreation Department Bus Service is hereby rejected.

2. WHEREAS, sealed bids were received on April 16, 2008, for "Pool Management Services", in accordance with specifications therefore and following public advertisement thereof pursuant to law; and

WHEREAS, one bid was received from American Leisure Corp., 414 Airport Executive Park, Nanuet, New York 10954; and

WHEREAS, the bid was deficient inasmuch as a price was inadvertently omitted;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the bid of American Leisure Corp., 414 Airport Executive Park, Nanuet, New York 10954 for Pool Management Services is hereby rejected because it was incomplete.

3. WHEREAS, sealed bids were received on April 16, 2008, for Cleaning Services to the Public Safety Complex and Department of Public Works for the period May 1, 2008, through April 30, 2010, in accordance with specifications therefore and following public advertisement; and

WHEREAS, bids were received as follows:

<u>Company</u>	<u>Amount</u>
Oriental Pacific Maintenance	\$ 59,340
Urucorp Maintenance	\$ 73,817

WHEREAS, the bid submitted by Oriental Pacific Maintenance is in compliance with the specifications and based upon the recommendation of 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 Oriental Pacific Maintenance in the amount of \$59,340 for two years, based on five days per week service for May 1, 2008 through April 30, 2010 be accepted; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute an agreement between the City of Englewood and Oriental Pacific Maintenance for cleaning services at the Public Safety Complex and Department of Public Works 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.

4. WHEREAS, sealed bids were received on April 23, 2008 for Recreation Department Bus Service in accordance with specifications therefore and following public advertisement; and WHEREAS, the only responsible bid received was:

First Student, Inc
170 S. Dean Street
Englewood NJ 07631 \$17,150 (plus tolls)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the base bid submitted by First Student, Inc in an amount not to exceed \$17,150 (plus tolls) 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 First Student, Inc for Recreation Department Bus Service in accordance with the specifications therefore; and

BE IT FURTHER RESOLVED that subject to the availability of funds therefore, the City Manager is authorized to approve change orders in a sum not to exceed 20% of the contract price.

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

5. WHEREAS in 1992 the City dredged Miller Pond and did so after receiving the necessary DEP permits and DEP inspectors were available and periodically on site and the necessary logs, testing procedures, etc. were performed; and

WHEREAS the City never closed out the DEP permits and DEP has now notified the City that it is in default of a 1992 Memorandum of Agreement due to the City's failure to complete the work; and

WHEREAS it is to the City's advantage to hire a third party engineer to review the work done in 1992 and the detailed files on this project as well as DEP records to determine what needs to be done to close out the project to the satisfaction of DEP; and

WHEREAS the City Engineer has received a proposal from the PMK Group for these services at a cost of \$6,700 and deemed the costs to be reasonable; and

WHEREAS the City Manager has reviewed the files relating to this project and concurs in the Engineer's recommendation for a third party engineering firm to review the record, the rules governing permits issued in 1992, and the final actions needed to close out this project; 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 on the recommendation of the City Engineer, the City Council has determined, based on professional experience, expertise, and reputation, to appoint and award a contract for such services to PMK Associates pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that a professional services contract is awarded under the provisions of N.J.S.A.40A:11-5(1)(a) to PMK Associates, Cranford, New Jersey to do an assessment of the 1992 Miller Pond Dredging contract and files and prepare a report on the actions required to close out this project.

A Certificate of Availability of Funds is on file in the office of the City Clerk.

6. WHEREAS the HVAC systems at the Englewood Public Library and Public Safety Complex / Health Dept. all require replacement; and

WHEREAS the City Engineer has received a proposal from Morris Johnson Associates for these services at a cost of \$36,5000 for the Library facilities, \$27,000 for the Public Safety / Health Facilities for a total of \$63,500; and

WHEREAS the City used Morris Engineering for similar work in 2007 and found their performance to be acceptable and the City Engineer recommends appointing Morris Engineering for this work based upon their past performance and experience pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; 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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that a professional services contract is awarded under the provisions of N.J.S.A.40A:11-5(1)(a) to Morris Johnson Associates, 611 Industrial Way West, Eatontown, NJ to prepare plans and specifications and contract administration and inspections for the replacement of the HVAC system in the Englewood Public Library, and portions of the HVAC system at the Public Safety Center / Health Department at a total cost of \$63,500.

7. WHEREAS the Englewood Public School District's operations of the Dr John Grieco Elementary School will generate a significant increase in both pedestrian and vehicular traffic at the intersection of Durie Avenue and Tenafly Road; and

WHEREAS the placement of a traffic signal at that location offers the best prospects of ensuring a safe crossing location for students and best control of daily traffic on both Durie Avenue and Tenafly Road; and

WHEREAS the Englewood Public School District will apply for funding under the New Jersey Department of Transportation's Safe Routes to School Program to fund the installation of a traffic signal at the intersection of Durie Avenue and Tenafly Road;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the City of Englewood will support the installation of the traffic signal at Durie Avenue and Tenafly Road using its easement rights as necessary for installation and operations; and

BE IT FURTHER RESOLVED that the City of Englewood offers its support for the Englewood Public School District's application for funding under the Safe Routes to School Program.

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Ms. Schoen introduced the following ordinances by title:

08-13 ORDINANCE REAPPROPRIATING \$200,000 IN PROCEEDS OF OBLIGATIONS OF ORDINANCE NO. 03-08 NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR VARIOUS SEWER IMPROVEMENTS IN THE CITY OF ENGLEWOOD AND OTHER RELATED EXPENSES IN AND BY THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY.

08-14 ORDINANCE REAPPROPRIATING \$117,000 PROCEEDS OF OBLIGATIONS OF ORDINANCE NO. 06-08 NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR RECONSTRUCTION OF JONES ROAD AND LINDEN AVENUE LOCATED IN THE CITY OF ENGLEWOOD AND OTHER RELATED EXPENSES IN AND BY THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY.

08-15 AN ORDINANCE AMENDING ORDINANCE NO. 07-22 FIXING THE ANNUAL SALARIES TO BE PAID TO OFFICERS AND EMPLOYEES IN THE UNCLASSIFIED SERVICE OF THE CITY OF ENGLEWOOD AS OF JANUARY 1, 2008.

She 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 May 20, 2008. Mr. Johnson seconded the motion.

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

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President Reddin declared the public session open and the following persons spoke:

Joe Clark, John St, asked about the housing inspection process and illegal housing units.

Dave Popkin, Tenafly Rd, asked if City trees are covered by insurance.

Curtis Caviness, 41 E. Forest Ave, is concerned about the Health Dept budget.

Betty Frank, E. Linden Ave, announced Candidates' Night.

Cornelia Rogers, Humphrey St, commented on summer pool program, rental inspections, garbage pick up.

Samson Audubon, DPW, asked the Council to observe employees at work.

Joe Curtis, DPW, asked the Council to observe employees at work.

Carla Burke, 20 Grant St, stated that there are trucks parked over night in her neighborhood.

Ricardo Willoughby, Shepard Ave, asked about the new City Manager.

Glen Garrison commented that the athletic fields at the schools need to be protected.

Elie Kelly, 350 Shepard Ave, believes that all development should comply with the Master Plan and the City should apply for Homeland Security funds.

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

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