

Englewood, N.J., March 4, 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, and Gordon Johnson; Also present were Robert Casey, City Manager; Lenore Schiavelli, City Clerk; William Bailey, City Solicitor.

Absent: Council member Jack Drakeford.

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.

Mr. Johnson moved that the minutes of the February 5, 2008 Council Meeting be approved. Ms. Schoen seconded the motion. Upon roll call, all Council members present voted "Yes". President Rosenzweig declared the motion carried.

Mr. Johnson moved that the following Resolution be adopted. Mr. Reddin 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.

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

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

- 08-03 AN ORDINANCE AMENDING SCHEDULE X OF SECTION 25-18 AND SCHEDULE XXII OF SECTION 25-32 OF CHAPTER 25 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD PERTAINING TO PROHIBITING PARKING AT ALL TIMES ALONG A PORTION OF SOUTH VAN BRUNT STREET AND HUMPHREY STREET AND ESTABLISHING METERED PARKING ALONG A PORTION OF SOUTH VAN BRUNT STREET AND HUMPHREY STREET .
- 08-05 AN ORDINANCE AMENDING ORDINANCE NO. 05-08 ESTABLISHING FEES FOR LICENSES, PERMITS AND OTHER APPLICATIONS WITHIN THE CITY OF ENGLEWOOD.
- 08-06 AN ORDINANCE AMENDING SECTION 24-14 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD RELATING TO REVISED TAXICAB FARES

President Rosenzweig declared that the public hearing on these ordinances was open and the following persons spoke:

Cornelia Rogers, Humphrey St, asked about dumpsters positioned on S. Van Brunt St.
Elie Kelly, 350 Shepard Ave, commented on S. Van Brunt becoming a two way street.
Joe Clark, John St, asked about the new Court fees.

When no one else wished to comment on the ordinances, President Rosenzweig closed the public hearing.

Mr. Johnson moved that the ordinances pass on final reading and be adopted. Mr. Reddin seconded the motion. Upon roll call, all Council members present voted "Yes". President Rosenzweig declared the motion carried and the ordinances duly adopted.

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President Rosenzweig 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 Rosenzweig declared the motion carried and the resolutions duly adopted.

1. WHEREAS, the City of Englewood is in need of traffic and parking study for the Central Business District; 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 Remington & Vernick, 232 Kings Highway, Haddonfield, NJ, pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

WHEREAS, the parties wish to mutually set forth the compensation, terms and conditions regarding such appointment; 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, sufficient funds are available for this purpose through a Smart Growth Grant;

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:11-5, that Remington & Vernick is hereby appointed for a traffic and parking study for the Central Business District, and that the City Manager is hereby authorized to execute, and the City Clerk attest to an agreement between the City of Englewood and Remington & Vernick setting forth the duties and compensation for an amount not to exceed \$55,000, and terms and conditions respecting traffic and parking study for the Central Business District; and

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to cause a brief notice to be published once in the PRESS JOURNAL newspaper stating the nature, duration, service, and amount of the contract and that the resolution and contract are on file and are available for public inspection in the Office of the City Clerk.

2. WHEREAS, the City of Englewood is in need of professional services respecting the dredging of MacFadden Pond in Flat Rock Brook Nature Center; and

WHEREAS, on the recommendation of the City Engineer and Flat Rock Brook Nature Association, the City Council has determined, based on professional experience, expertise, and reputation, to appoint and award a contract for such services to Princeton Hydro, LLC, 1108 Old York Road, Ringoes, NJ, 08551, pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

WHEREAS, the parties wish to mutually set forth the compensation, terms and conditions regarding such appointment; 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, sufficient funds are available for this purpose;

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:11-5, that Princeton Hydro, LLC is hereby appointed for professional services respecting the dredging of MacFadden Pond in Flat

Rock Brook Nature Center, and that the City Manager is hereby authorized to execute, and the City Clerk attest to an agreement between the City of Englewood and Princeton Hydro, LLC setting forth the duties and compensation in an amount not to exceed \$87,500, and terms and conditions respecting professional services regarding the dredging of MacFadden Pond in Flat Rock Brook Nature Center; and

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to cause a brief notice to be published once in the PRESS JOURNAL newspaper stating the nature, duration, service, and amount of the contract and that the resolution and contract are on file and are available for public inspection in the Office of the City Clerk.

3. WHEREAS United Water New Jersey, Inc. has requested authorization to install one fire hydrant on Durie Avenue;

WHEREAS the City Engineer and the Fire Department in consultation with United Water has reviewed this application for installation of a fire hydrant; and

WHEREAS the City Engineer and the Fire Department recommend the approval of the application subject to the following conditions:

1. United Water Company must secure a right-of-way permit from the Engineering Department; and

2. United Water Company must adhere to the standards for backfill as established by the City Engineer; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the request by United Water New Jersey for the installation of one fire hydrant is hereby approved subject to the requirements of the City Engineer as noted above.

4. WHEREAS, a Bergen County Community Development grant of \$20,000 has been proposed by Defining Moment Foundation for the Alpine program in the City of Englewood; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the City Council; and

WHEREAS, this resolution does not obligate the financial resources of the City and is intended solely to expedite expenditure of the aforesaid Community Development funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood, Bergen County, New Jersey, hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

5. WHEREAS, the City of Englewood purchased property fronting on Route 4 for the purpose of constructing an access road for properties in the office-industrial zone in the City which is being 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 forego certain future revenues or have the receipt of these revenues delayed; and

WHEREAS, the properties purchased for the roadway 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, the City has solicited and opened bids for the construction of the required access roadway with this bid award scheduled for the March 18 meeting and the construction to begin within 20 days thereafter; and

WHEREAS, upon removal of the existing structures on site, one 5,000 gallon underground tank, containing gasoline, was uncovered and requires removal and possible site remediation; and

WHEREAS, the recently discovered underground fuel tank is in the area of the new roadway and must be removed before this roadway can be constructed; and

WHEREAS, to accomplish this tank removal in an expeditious manner the City solicited a proposal for the tank removal from an environmental management firm which is currently engaged on site in site remediation activity on behalf of the City; and

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

WHEREAS the Municipal Consulting Engineer, Kenneth Albert, has filed a report with the City Manager certifying the emergent need for the removal of this underground tank 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 emergency contract is \$23,440, 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 tank is 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

WHEREAS funds for the payment of the cost of this tank removal and remediation is currently available in Ordinance 05-18 and the City Financial Officer has provided a certificate of funds to the City Clerk so indicating.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, that

1. the recommendation of the Municipal Consulting Engineer and the Interim City Manager and the certification of the City Municipal Consulting Engineer of the need for immediate repairs is hereby accepted
2. the City Manager is authorized to enter into a contract with Environmental Waste Management Associates for \$23,440 for the removal of the underground storage tank 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.

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President Rosenzweig declared the public session open and the following persons spoke:
Mr. Gutierrez, William St, would like the City to build a skate park.

Betty Grossman, Marlboro Rd, does not want a handicapped parking space moved on N. Van Brunt St.

Shirley Smith, W. Palisade, commented that bagging leaves is not practical and the DPW needs more employees.

Joe Clark, John St, asked about a shade tree program

MaryAnn Monistrom, Shannon Ct, commented on the ice storm.

Gene Skurnick, Marlboro Rd, is opposed to wasteful spending and wants any future developers to contribute to the City financially.

Martha Arons, Broad Ave, commented on DPW performance in the ice storm

Cornelia Rogers, Humphrey St, asked what the REAP program was and criticized the newspapers for their reporting slants.

Norman Gorlyn, DPW workers should work a full day.

Gerry Chambers, Garden ST, asked about the City's affirmative action policy.

Dierdre Paul, Oak St, believes supervision in the DPW is lacking and employees need training.

Steve Close, Liberty Rd, commented on various topics.

Alva Jones, King Gardens, welcomed Chief Bowman and Sgt Jackson back to the force and is opposed to no parking on S. Van Brunt St; she believes a tighter rein is needed in the DPW.

Shirley Hall, Teaneck, asked about the recycling program.

Lisa Levian, E. Hamilton, commented on the ice storm.

Sandy Greenberg, Liberty Rd, asked about the DPW policies; she believes all employees should work a full day despite union contracts; she commented on handicapped parking.

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

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

City Clerk