

OFFICE OF THE CITY CLERK

AGENDA

COUNCIL MEETING - SEPTEMBER 2, 2008 - 7:30 P.M.

- A. Call Meeting To Order
- B. Statement Re Open Public Meetings Act
- C. Pledge of Allegiance

Executive Session: (Committee of the Whole)

- 1. Closed Session
 - 1. Personnel - Special Assessment Commission
 - 2. Parking Meter fees in CBD
 - 3. Review of Agenda Items

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- D. SD Motion to Approve Minutes of August 19, 2008 Meeting
- E. J Re Bills and Claims
Resolution to Approve Bills and Claims
- F. Communications from the Mayor
Comments from Council Members

G. Public Comment on Resolutions to be Adopted

H. RESOLUTIONS

- D S Motion to Adopt Resolutions by Unanimous Consent
 - 1. Honor Chief David Bowman on his Retirement
 - 2. Approve CD Application - Flat Rock Brook
 - 3. Amend Capital Budget - City Hall Improvements
 - 4. Approve Liquor License Renewal - Englewood Joe's
 - 5. Approve Liquor License Transfer - Blueside Grill
 - 6. Award Bid - Linden Ave Reconstruction
 - 7. Auth. Agreement with EEDC re Trolley Service Operation
 - 8. Appt. Local Improvement Board Members

I. Re J ORDINANCES TO BE INTRODUCED

08-25 Bond re City Hall Improvements

J. PUBLIC SESSION

K. ADJOURN

Englewood, N.J., August 19, 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 Kenneth 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.

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The following items were discussed during Executive Session: presentations by Qscend Technologies and Cablevision; agenda review.

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Mr. Reddin moved that the minutes of the July 22 and August 5, 2008, meetings be approved. Mr. Johnson 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. 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 1a - 1c of these minutes) is hereby made a part of the minutes of this meeting.

The Mayor and Council members commented on past and upcoming events and issues.

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

08-18 AN ORDINANCE AMENDING ARTICLE 8, SUBARTICLE IV OF THE MUNICIPAL LAND USE ORDINANCE OF THE CITY OF ENGLEWOOD PERTAINING TO SECTION 4-5.2 (a) CENTRAL BUSINESS DISTRICT "PERMITTED USES", AND SECTION 4-5.10.1(a) MURR OVERLAY DISTRICT "PERMITTED USES."

08-19 AN ORDINANCE AMENDING SCHEDULE XI OF SECTION 25-19 OF CHAPTER 25 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD RELATING TO TIME LIMITED PARKING ALONG SPRING LANE IN THE CITY OF ENGLEWOOD

08-20 AN ORDINANCE AMENDING SCHEDULE X OF SECTION 25-18 OF

CHAPTER 25 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD PERTAINING TO PROHIBITING PARKING AT ALL TIMES ALONG A PORTION OF JANE STREET AND HIRLMAN ROAD.

08-21 AN ORDINANCE AMENDING SECTION 12 OF ORDINANCE NO. 95-22 REGULATING THE REMOVAL OF TREES WITHIN THE CITY OF ENGLEWOOD PERTAINING TO FINES.

08-22 AN ORDINANCE AMENDING ARTICLE 14 OF CHAPTER 18 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD PERTAINING TO PENSION RETIREMENT SYSTEM ESTABLISHING POSITIONS ELIGIBLE FOR THE NEW JERSEY DEFINED CONTRIBUTION RETIREMENT PROGRAM.

08-23 AN ORDINANCE AMENDING SECTION 24-14 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD RELATING TO TAXICAB FARE FUEL SURCHARGE.

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

Curtis Caviness, 41 E. Forest Ave, stated that NJS A 24 prohibits outdoor display of produce.

Joe Clark, 200 John St, is opposed to 08-18

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

Mr. Johnson moved that the Ordinances pass on final reading and be adopted and that the ordinances be published once, by title only, in the Press Journal. Mr. Reddin seconded the motion. Upon roll call, Mr. Drakeford voted "No" on Ordinance No. 08-18 and approved the rest; all other Council members present voted "Yes". President Rosenzweig declared the motion carried and the ordinances duly adopted.

Mr. Drakeford 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 Rosenzweig declared the motion carried and the resolutions duly adopted.

1. WHEREAS, a Bergen County Community Development grant of \$243,869 has been proposed by Southeast Senior Center for Independent Living for 2009 Operating Expenses 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, the aforesaid project is in the best interest of the people of Englewood; 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 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.

2. WHEREAS, a Bergen County Community Development grant of \$20,000 has been proposed by Bergen Family Center Armory Street Family Intervention Project, 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, the aforesaid project is in the best interest of the people of Englewood; and WHEREAS, this resolution does not obligate the financial resources of the City of Englewood 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 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.

3. WHEREAS, the City of Englewood is desirous of enhancing its information management and availability to the public; and
 WHEREAS, proposals have been received to update the City's web site to create a more interactive and user friendly experience; and

WHEREAS, based on the expertise and reputation of QScend Technologies, Inc., 231 Bank Street, Waterbury, Connecticut, 06702, the City Council wishes to award a contract for such services, 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 agreement; 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 pursuant to the 2008 budget of the City of Englewood.

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 the City Manager is hereby authorized to execute an agreement with QScend Technologies, Inc., for the purpose to updating and improving the web site of the City of Englewood, setting forth the services and compensation in an amount not to exceed \$17,300, plus monthly maintenance charges; 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.

4. WHEREAS, the Charter of the City of Englewood provides that the appointment of a Tax Assessor is within the authority of the City Manager; and

WHEREAS, Claire Psota was appointed to the position of Tax Assessor effective July 1, 2006 for a four year term expiring June 30, 2010;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the appointment of Claire Psota to the position of Tax Assessor for the City of Englewood is hereby confirmed..

5. WHEREAS, on April 18, 1995, the City Council had previously adopted a Resolution authorizing a voluntary deferred compensation plan for employees of the City and has one existing plan with AXA Equitable as the Plan provider; and

WHEREAS, the City of Englewood desires to attract and retain qualified employees and, as a means thereof, to make available to these employees the benefits of optional 457 Deferred Compensation Plans; and

WHEREAS, the implementation of an additional Deferred Compensation Plan will serve the interests of the local governmental unit by enabling it to provide enhanced retirement security to its eligible employees; and

WHEREAS, a Request for Proposals ("REP") was prepared and the City solicited proposals from three Division of Local Government Services Approved Providers of Deferred Compensation Services - the Hartford, Mutual of America, and ICMA-RC; and

WHEREAS, Mutual of America and ICMA-RC responded to the RFP and their submissions have been reviewed; and

WHEREAS, the ICMA-RC Deferred Compensation Plan is an experienced provider with a thorough understanding of the financial planning needs of the public sector since this has been their only line of business for 35 years, their fees are approximately one-half of those under the Mutual of America plan, and they possess the necessary administrative, enrollment, and servicing capabilities; and

WHEREAS, there has been no collusion, or evidence of an appearance of collusion, between any local official and a representative of the vendor in the selection of ICMA-RC for the administration of a Service Agreement pursuant to N.J.A.C. 5:37-5.7;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the Deferred Compensation Plan of ICMA-RC (Plan Identifier No. 306454) is hereby approved for offering to City employees; and

BE IT FURTHER RESOLVED that the City Manager is authorized to execute a Service Agreement with ICMA-RC (Plan Identifier No. 306454) and submit all necessary documents to the Director of the Division of Local Government Services within the Department of Community Affairs for approval; and

BE IT FURTHER RESOLVED that the Chief Financial Officer of the City is hereby designated as the Local Plan Administrator for the administration of the Plan; and

BE IT FURTHER RESOLVED that this plan is substantially similar to one on which a Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provisions added by reason of the Small Business Job Protection Act of 1996 (United States Public Law No. 104-188) and the Economic Growth and Tax relief Reconciliation Act of 2001 (United States Public Law No. 107-16) and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Internal Revenue Code Section 457. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not to be considered precedent; and

BE IT FURTHER RESOLVED that the adoption of this resolution shall not be considered exclusive and the City reserves the right to approve other deferred compensation plans and make them available in the future.

6. 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 benefiting 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 the City Council authorized an emergency contract for the removal of multiple underground tanks, containing gasoline, uncovered during the site demolition process; 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 on March 4 and 18, 2008 the original emergency contract was extended to cover additional costs incurred to address removal and remediation activities required to correct soil and water contamination discovered with tank removal; and

WHEREAS, it is necessary to extend funding for this project as conditions emerge which must be resolved; 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 \$100,000 for the removal of underground storage tanks along Route 4 East, plus related testing and remediation work as required, to meet the requirements of the NJDEP.

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

7. WHEREAS, the Public Defender, Walter Nealy, has submitted his resignation effective August 7, 2008; and

WHEREAS, there is a need to provide the services of a Public Defender in the Municipal Court for the remainder of 2008;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that Joseph A. Raia, Esq. is hereby appointed Public Defender for the term ending December 31, 2008; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the appropriate appointment letter.

* * * * *

Mr. Johnson introduced the following ordinance by title:

08-24 AN ORDINANCE AMENDING AND SUPPLEMENTING THE MUNICIPAL LAND USE ORDINANCE OF THE CITY OF ENGLEWOOD RESPECTING GIFTS AND CONTRIBUTIONS FROM APPLICANTS AND PROFESSIONALS APPEARING BEFORE THE BOARD OF ADJUSTMENT AND THE PLANNING BOARD

Mr. Johnson moved that the ordinances pass on first reading and be published in full in the Press Journal with the usual legal notice and that a public hearing be held September 16, 2008. Mr. Reddin seconded the motion.

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

* * * * *

President Rosenzweig declared the public session open and the following persons spoke: Ms. Choi, 361 Elkwood Terr, commented on garbage pickup and parking on her block. Cornelia Rogers, Humphrey St, believes that the DPW is not functioning properly; she believes that the Court Administrator and the Health Director are not qualified.

Dierdre Paul, 96 Oak St, would like the City to conduct an energy audit. Curtis Caviness, 41 E. Forest Ave, stated that the basketball rim in Mackay Park has not been repaired and he believes that the DPW will be privatized.

Shirley Smith, 374 W. Palisade, reported that PSEG marked gas lines and did not inform residents they were coming and stated that DPW workers need their jobs.

Alva Jones, King Gardens, does not want any more development.

Jack Silberman, 320 Murray Ave, wants requirements for street closings changed; wants the tree ordinance enforced; stated that 299 Windsor needs paint.

Sondra Greenberg, 449 Liberty Rd, wants development to stop; she is opposed to privatizing the DPW.

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

City Clerk

CITY OF ENGLEWOOD

RESOLUTION

WHEREAS, David Bowman began employment with the City of Englewood in 1971; and
WHEREAS, after rising through the ranks of the Police Department, David Bowman became
Police Chief in 1999; and

WHEREAS, David Bowman has submitted his retirement effective January 1, 2009 after 36
years of service;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of
Englewood that the City extends its best wishes to David Bowman upon his retirement; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay
the appropriate termination compensation to Police Chief David Bowman.

2

CITY OF ENGLEWOOD

RESOLUTION

WHEREAS, a Bergen County Community Development Grant of \$16,000 has been proposed by the Flat Rock Brook Nature Association for Environmental Education Programs 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, the aforesaid project is in the best interest of the people of Englewood; 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 hereby confirms endorsement of the aforesaid project; and

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

2

CITY OF ENGLEWOOD
RESOLUTION

WHEREAS, it is necessary to amend the 2008 Capital Budget; and

WHEREAS, the City Council recommends that said 2008 Capital Budget be amended to add an additional appropriation;

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 2008 Capital Budget is hereby amended to add an additional appropriation as follows:

Purpose: The improvement hereby authorized and the purpose for which the bonds or notes are to be issued are renovations to City Hall, including, but not limited to, reconstruction of bathrooms on the second floor to comply with ADA requirements, construction of the Personnel Office and Conference Room, and installation of light fixtures in the North Wing, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$380,000
Estimated Maximum Amount of Bonds or Notes:	\$361,900
Period or Average Period of Usefulness:	15 years
Amount of Down Payment:	\$ 18,062

Section 2. This Resolution shall take effect immediately.

CITY OF ENGLEWOOD
RESOLUTION

BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey that the City Clerk is hereby authorized to sign, issue, and deliver an alcoholic beverage license to the person, association, firm, corporation, or club noted below to be effective only at the location set forth after the respective name for the period beginning July 8, 2008 at 12:01 a.m. and ending June 30, 2009 at midnight; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Division of Alcoholic Beverage Control of the State of New Jersey; and

BE IT FURTHER RESOLVED that a periodic review of all liquor license will be done during the 2008-2009 year.

LICENSES	NAME	LOCATION
Plenary Retail Distribution		
0215-44-015-010	Englewood Joe II Wine & Liquor, LLC t/a Englewood Joe II Wine & Liquor, LLC	70 Grand Avenue

CITY OF ENGLEWOOD

RESOLUTION

WHEREAS, application has been made for a Person-to Person transfer of Plenary Retail Consumption License # 0215-33-007-009 for premises located at 126 Engle Street, Englewood, NJ, from JDL, LLC t/a Blueside Grill to Philia, LLC; and

WHEREAS, the transferee has paid to the City of Englewood the necessary fee and has properly advertised as required by law; and

WHEREAS, the City of Englewood has caused an investigation to be made and has not uncovered any violations; and

WHEREAS, initial investigation indicates the applicant is eligible for the requested license; and

WHEREAS, the applicant has disclosed and the City Council has reviewed the source of funds used in the purchase of the license and the licensed business; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the Person-to-Person transfer of Plenary Retail Consumption License #0215-33-007-009 from JDL, LLC t/a Blueside Grill to Philia, LLC, to be a Pocket License, is hereby approved.

CITY OF ENGLEWOOD

6

RESOLUTION

WHEREAS, bids were received by the City of Englewood on August 21, 2008 for Project Number 110802, Linden Avenue Reconstruction, City of Englewood, following public advertisement and in accordance with specifications therefore in accordance with law; and

WHEREAS, New Prince Concrete, Inc., 215 Ellen Terrace, Hackensack, New Jersey 07601 submitted the lowest bid in the total sum of \$379,592; 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 Linden Avenue Reconstruction, City of Englewood, to New Prince Concrete, 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 New Prince Concrete Inc., in the total sum of \$379,592 for Linden Avenue 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 New Prince Concrete, 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.

6

CITY OF ENGLEWOOD
RESOLUTION

WHEREAS, the City of Englewood has entered into an agreement with NJ Transit Corp. to operate a trolley shuttle service within the City; and

WHEREAS, it will be more efficient for the Englewood Economic Development Corporation ("EEDC") to provide the driver services for the shuttle system; and

WHEREAS, a major component of this service will be to transport residents into the Central Business District which will benefit the retail and restaurant businesses; and

WHEREAS, NJ Transit has approved the City's request to have the EEDC perform this function;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey that the City Manager is hereby authorized to execute an operating agreement with the Englewood Economic Development Corporation to provide driver services for the shuttle service.

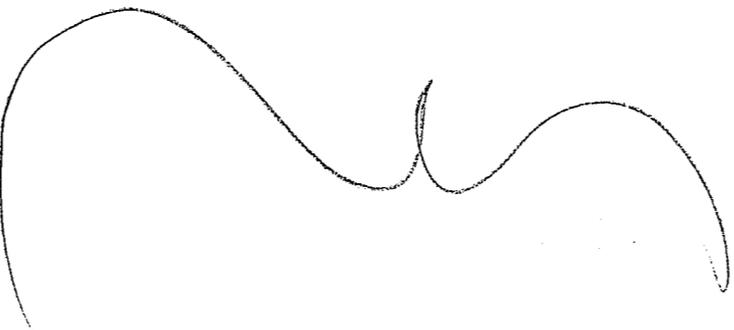
CITY OF ENGLEWOOD

RESOLUTION

WHEREAS, the City Council of the City of Englewood has heretofore created and established within the City of Englewood a Local Improvement Board for the purpose of evaluating and assessing the benefits conferred on any real estate by the construction of an access road to Route 4 pursuant to Ordinance No. 05-19; and

WHEREAS, pursuant to Ordinance No. 05-19, the Local Improvement Board shall consist of seven members appointed by the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the following persons are hereby appointed to the Local Improvement Board for as long as needed to fulfill the requirements of Ordinance No. 05-19:

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

BOND ORDINANCE INTRODUCTION

ORDINANCE NO. 08-25

MEMORANDUM OF PROCEDURE

MR. REDDIN : I introduce in writing an ordinance entitled:

BOND ORDINANCE OF THE CITY OF ENGLEWOOD, BERGEN COUNTY,
NEW JERSEY, PROVIDING FOR VARIOUS RENOVATIONS TO CITY HALL
AND APPROPRIATING \$380,000 THEREFOR, AND PROVIDING FOR THE
ISSUANCE OF \$361,900 IN BONDS OR NOTES OF THE CITY OF ENGLEWOOD TO
FINANCE THE SAME

CITY CLERK: I report that a supplemental debt statement of the City, prepared as of
September 2, 2008 and setting forth the obligations to be authorized by this ordinance, has been
duly executed and filed in the office of the City Clerk.

MR. REDDIN : I move that the ordinance pass on first reading and a public hearing
thereon be held September 16, 2008, and that the ordinance be published, in full, in
the Press Journal and that the City Clerk file a complete, executed copy of the supplemental debt
statement in the office of the Director of the Division of Local Finance prior to such hearing.

MR. JOHNSON : I second the motion.

ROLL CALL

PRESIDENT ROSENZWIG : I declare the motion carried.

CITY OF ENGLEWOOD

ORDINANCE NO. 08-25

BOND ORDINANCE OF THE CITY OF ENGLEWOOD, BERGEN COUNTY, NEW JERSEY, PROVIDING FOR VARIOUS RENOVATIONS TO CITY HALL AND APPROPRIATING \$380,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$361,900 IN BONDS OR NOTES OF THE CITY OF ENGLEWOOD TO FINANCE THE SAME

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Englewood, in the County of Bergen, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3 hereof, there are hereby appropriated the sum of money therein stated as the appropriation made for the improvement or purpose, such sum amounting to \$ 380,000 including the sum of \$18,100 as the down payment for the improvement or purpose required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$361,900 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued are renovations to City Hall, including, but not limited to, reconstruction of bathrooms on the second floor to comply with ADA requirements, construction of the Personnel Office and Conference Room, and installation of light fixtures in the North Wing, and including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A-2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance are not current expenses. They are an improvement or purpose the City may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, computed on the basis of the respective amount or obligation authorized for the improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$361,900 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$76,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

(e) The City reasonably expects to commence the construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligation authorized by this bond ordinance. The obligation shall be direct, unlimited obligation of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligation and the interest thereon without limitation of rate or amount.

Section 9. The City Council of the City hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.