

Englewood, N.J., May 20, 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; William Bailey, City Solicitor.

President Rosenzweig called the meeting to order and introduced students from the Dismus Middle School participating in "Mayor and Council for a Day".

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.

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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 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.

Council members commented on past and upcoming events.

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President Rosenzweig declared the public hearing on the 2008 Budget Amendment open and the following persons spoke:

Mr. Casey stated that the Budget Amendment alters the approved Budget by \$125,000.

Elie Kelly, 350 Shepard Ave, asked about the cost of the Route 4 South roadway, the DPW and Recreation Departments budgets.

Curtis Caviness, 41 E. Forest Ave, asked about financing pension costs.

Ronald Harley, Decatur Ave, asked about the Liberty Road reconstruction.

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

Mr. Johnson moved that the following resolution be adopted. Ms. Schoen 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 resolution duly adopted.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COUNTY OF BERGEN, that the 2008 Budget, as approved on April 8, 2008, as amended, is hereby adopted;

BE IT FURTHER RESOLVED that the sums contained in the Official Budget constitute the appropriations and tax levy for the year 2008; and

BE IT FURTHER RESOLVED that the Budget authorizes the following:

\$43,638,355.00 in the Amount to be Raised Through Taxes for Municipal Purposes for 2008 (Including \$2,641,994.00 for the year 2008 BCUA Sewer Tax. Accordingly, \$40,996,361.00 is raised through taxes for City purposes)

\$ 355,590.00 in Addition to Local District School Taxes for Type I School District for 2008; representing 2008 School Debt Service

\$57,929,423.17 in Total Appropriations for 2008

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized to complete Sheet 41 and 42 of the Official Budget and is further authorized to make the necessary adjustments to the City of Englewood Annual Financial Statements including account cancellations and establishing accounts receivable.

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

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

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.

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

Curtis Caviness, 41 E. Forest Ave, is opposed to instituting fees for summer recreation programs; he does not want the incoming City Manager included in the unclassified salary ordinance.

Shirley Short Hall, Teaneck, is opposed to fees for recreation programs and believes that unclassified salaries are "top heavy".

Cornelia Rogers, Humphrey St, questioned the salary of the City Manager.

Shirley Smith, 374 W. Palisade, asked about fees for garbage pick up.

James Evans, Washington Ave, asked about temporary employees.

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

Ms. Schoen moved that Ordinance No. 08-11 pass on final reading and be adopted. Mr. Johnson 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 Ordinances No. 0813, 08-14, 08-15 pass on final reading and be adopted. Mr. Johnson 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.

Mr. Drakeford 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 April 16, 2008 for Cleaning Services to the Public Safety Complex, Department of Public Works, and the South Dean Street Parking Garage for the period May 1, 2008, through April 30, 2010, in accordance with specifications therefore and following public advertisement; and

WHEREAS the resolution awarding the bid adopted on May 6 cited the following bid values:

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

WHEREAS the above cited value for Oriental Pacific Company was cited in error with the correct value being \$61,920. This error was a function of the City's analysis of the bid and not the bid submitted.

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the contract award to Oriental Pacific Maintenance is revised to \$61,920 for two years, May 1, 2008 through April 30, 2010 in accordance with their original submission; and

2. WHEREAS, sealed bids were received on May 7, 2008 for Pool Management Services in accordance with specifications therefore and following public advertisement as required by law; and

WHEREAS, the only responsible bidder was American Leisure Corp., 414 Airport Executive Park, Nanuet, New York 10954; and

WHEREAS, the bid submitted by American Leisure Corp. is in compliance with the specifications subject to the receipt of a certification of liability insurance and based upon the recommendation of the Purchasing Agent and Recreation Director is in the best interest of the City;

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 American Leisure Corp. in the amount of \$180,000 for two years 2008 and 2009 be accepted subject to the provision of all required insurance certificates; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute an agreement between the City of Englewood and American Leisure Corp. to carry out the foregoing purpose.

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

3. WHEREAS, sealed bids were received on May 15, 2008 for Plumbing Services in accordance with specifications therefore and following public advertisement as required by law; and

WHEREAS although two bids were received, one was rejected due to the absence of required bonds and documentation leaving only one bid for consideration from Binsky and Snyder Services, 281 Centennial Ave, Piscataway, New Jersey 08854; and

WHEREAS, it is the recommendation of the City manager that, due to the absence of competitive bids, the one bid be rejected and the bid readvertised.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by Binsky and Snyder Services for the Plumbing Services is hereby rejected and the City Manager is authorized to rebid this service requirement..

4. WHEREAS, application has been made for a Place-to-Place transfer of Retail Consumption License # 0215-33-045-008, out of pocket, to 40 North Van Brunt Street, Englewood, NJ, Sotland & Gettenberg, LLC t/a Grand Cru Food & Wine; 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 has reviewed the source of funds used in the purchase of the licensed business;
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the Place-to-Place transfer of Retail Consumption License #0215-33-045-008 for out of pocket license to Sotland and Gettenberg, t/a Gand Cru Food & Wine is hereby approved.
5. WHEREAS certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974 and HOME Investment Partnership Act of 1990, as amended; and
WHEREAS the current Interlocal Services Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and
WHEREAS each municipality must notify the Bergen County Division of Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and
WHEREAS it is in the best interest of the City of Englewood to participate in said programs;
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that it hereby notifies the Bergen County Division of Community Development of its decision to be included as a participant municipality in the Urban County entitlement programs being the Community Development Block Grant Program and Home Investment Partnership Act Program for the Program Years July 1, 2009 - June 30, 2012; and
BE IT FURTHER RESOLVED that the City Manager is authorized to execute any agreements or documents necessary; and
BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Bergen County Division of Community Development.
6. WHEREAS The City Council by ordinance has established fees to be charged for participation in various recreation programs; and
WHEREAS the City has traditionally waived fees for participants in the recreation programs whose parent/guardian/close relative is a volunteer coach or program leader for the specific program in which their child is a participant; and
WHEREAS the waiving of such fees is in recognition of the time, energy, and effort expended by the parent/guardian/close relative in the overall recreation activity is a reasonable acknowledgment for these efforts;
NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COUNTY OF BERGEN, NJ that the Recreation Director is hereby authorized to waive recreation program fees for those participants in recreation programs whose parents/guardians/close relatives are serving as volunteer coaches or program leaders in the specific program for which youth is enrolled
7. WHEREAS on April 28, 2008 the City Council appointed Daniel Fitzpatrick as the City Manager of the City of Englewood and authorized the execution of an employment agreement setting for the terms and conditions of his employment; and
WHEREAS Section 7 of said Agreement referenced Excess Contributions pursuant to Federal I. R. S. regulations; and
WHEREAS further investigations discover that the newly created New Jersey Defined Contributions Plan has not yet adopted the full I.R.S. regulations governing contribution and consequently this section must be amended to reflect this change;
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that Section 7 of the Employment Agreement between the City of Englewood and Daniel Fitzpatrick is hereby amended to read as follows:

SECTION 7. RETIREMENT:

Employer shall use the qualified 401(a) defined contribution plan offered through the New Jersey Retirement System for the Employee. In addition to the required employer contribution, Employer agrees to contribute in the employees name an additional 12 ½% of base salary, subject to the regulations of the U.S. Internal Revenue Service. In the event that the state 401a plan does not provide for additional employee contribution in accordance with IRS rules, employer shall deposit same amount into an investment or saving plan of the employee's selection until such time as the state plan complies with Federal IRS guidelines. Employer further agrees to provide employee enrollment in the ICMA Retirement Corporation 457A program (Deferred Income Program) .

8. WHEREAS vehicles for use by police departments have been bid by the State of New Jersey under its Cooperative Purchasing Program; and

WHEREAS the City of Englewood is a participant in the State Cooperative Purchase program and has the requirement for 6 replacement police vehicles; and

WHEREAS funds are available for this purchase in the 2007 Police Budget and the Chief Financial Officer has provided a certification to this effect.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the City Manager is authorized to enter into a contract with Winner Ford, Cherry Hill, NJ under State Contract A70462 for the purchase of six Ford, 2008 Crown Victoria model Police Interceptors including the necessary emergency equipment, graphics and extended 5 year warrantee for \$183,192.00, payable over three years under the Ford Motor Lease Purchase program.

9. WHEREAS sealed bids were received on May 15, 2008 for Summer Pool and Playground Activities in accordance with specifications therefore and following public advertisement as required by law; and

WHEREAS one bid was received from Magical Enterprises, 1 South Main Street, Toms River, NJ 08757, in the amount of \$42,495.10; and

WHEREAS the bid proposal submitted by Magical Enterprise is non-compliant to the Public Contracts Law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the bid of Magical Enterprises in the amount of \$42,495.10 for the Recreation Department's Pool and Playground Activities is hereby rejected; and

BE IT FURTHER RESOLVED that since this is the second time these services have been bid with either no bids received or defective bids received, and due to the time constraints of providing these activities during the summer recreation season, the City Manager is authorized to negotiate a contract for summer pool and playground activities and to report back to the City Council on the final value for services rendered.

10. WHEREAS, the County of Bergen was a designated recipient of United States Homeland Security Funding in Federal Fiscal years 2004 and 2005; and

WHEREAS, the Federal funding is administered through the New Jersey Office of the Attorney General to the Bergen County Office of Emergency Management, and

WHEREAS, the Bergen County Terrorism Task Force under the direction of the County Executive formulates and approves a spending plan for the Homeland Security Funds directed to the County of Bergen that is consistent with the rules and parameters of the specific grant and submits the spending plan to the New Jersey Office of the Attorney General for approval; and

WHEREAS, the Bergen County Terrorism Task Force recognized that there is no current standardized identification card for first responders within the County of Bergen; and

WHEREAS, the City of Englewood wishes to participate in this program for a secure, easily recognizable identification card for first responders, and

WHEREAS, the Bergen County First Responder Identification Card will display the City of Englewood emergency services symbol and the emergency services name; and

WHEREAS, participation in this program is at no cost to the City of Englewood; and

WHEREAS, this body supports a secure, easy-to-read identification card for our emergency services to employ;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, Now Jersey, that the City of Englewood is hereby authorized to participate in this program; and

BE IT FURTHER RESOLVED that the City Emergency Management Director is hereby authorized to undertake the necessary municipal requirements and provide the necessary data and information to the County of Bergen to insure participation in this program.

11. WHEREAS, on August 23, 2005, the City Council adopted a resolution authorizing a contract for professional services with the law firm of Kleeblatt, Galler, Abramson & Zakim; and

WHEREAS, the need exists for special counsel to represent certain named individuals on claims for punitive damages arising in the matter of Dixon, Brown and Batalha v. City of Englewood, et al., Docket No. BER-L-1671-05; and

WHEREAS, the funds authorized by this contract were not to exceed \$20,000; and

WHEREAS, on October 2, 2007, The City Council increased the amount of the authorization to \$40,000 and at this time a further increase in authorization is required; and

WHEREAS, this case is ongoing;

NOW, THEREFORE, BE IT RESOLVED that the firm of Kleeblatt, Galler, Abramson & Zakim, L.L.C is hereby continued as special council in connection with the above referenced lawsuit at an hourly rate of \$195 for all services rendered plus disbursements and costs, at a total cost not exceed the sum of \$60,000.

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

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Ms. Schoen introduced the following ordinances by title:

08-08 AN ORDINANCE AMENDING ARTICLE 3 OF CHAPTER 19 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD RELATING TO ALARM SYSTEMS

08-16 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 \$1,038,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$988,564 IN BONDS OR NOTES OF THE CITY OF ENGLEWOOD TO FINANCE THE SAME.

As to Ordinance 08-16, the City Clerk stated that a supplemental debt statement setting forth the obligations to be authorized by this ordinance had been duly executed and filed in the office of the City Clerk.

Ms. Schoen 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 thereon be held June 17, 2008. Mr. Reddin seconded the motion.

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

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President Rosenzweig declared the public session open and the following persons spoke: Jack Silberman, 320 Murray Ave, asked about fines for false alarms; he wants the curb on his street repaired.

Sandy Greenberg, 449 Liberty Rd, expressed her gratitude for the students' presentations this evening.

Ila Satterfield, S. Dean St, asked about parking on Dean Street.

John Sisco, Everett Pl, would like high school athletics to receive more attention.

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

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.