

Englewood, N.J., July 8, 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; Robert Casey, Interim City Manager; Lenore Schiavelli, City Clerk; Matt Rogers, 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.

A brief meeting of the Englewood Economic Development Corporation was held to approve the Special Improvement District budget for 2008-09.

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The City Manager discussed the following items with the City Council and agenda review: report of sale of bond anticipation notes (page 1a of these minutes); property maintenance and housing inspections (continued until July 22 meeting); tree issues; review of proposed ordinance concerning political gifts and contributions; discussion of park regulations; outdoor display of perishable products; pending items - Special Assessment Commissioners/ Assistant Prosecutor appointment.

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Ms. Schoen moved that the minutes of the June 16, 2008 Council Meeting be approved. Mr. Reddin seconded the motion. Upon roll call, all Council members present voted "Yes". President Rosenzweig declared the motion carried.

Mr. Reddin 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 1b - 1d 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 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. 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. 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 alcoholic beverage licenses to each of the persons, associations, firms, corporations, or clubs on the list below to be effective only at the locations set forth after their respective names 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		
0215-44-109-004	JERRY'S OUTLET	410 South Dean Street
0215-43-021-002	WALTER VENTURA	79 Slocum Avenue
	v/a Santa Barbara Groceries	

2. WHEREAS, the City of Englewood has entered into a Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40A:8A-1 et seq. to participate in the Bergen County Open Space, Recreation, Farmland, and Historic Preservation Trust Fund; and

WHEREAS, said Agreement requires that one Municipal Representative be appointed by the City Council to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1, 2008 through June 30, 2009;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that it hereby appoints Kenneth Rosenzweig as its representative on the Open Space Trust Regional Committee.

3. WHEREAS, a Bergen County Open Space Trust Fund application in the amount of \$155,000 has been proposed by the City of Englewood for the reconstruction of basketball and tennis courts throughout the City of Englewood; and

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

WHEREAS, the aforesaid project is in the best interests of the citizens of Englewood and the City Council is aware it must provide a dollar for dollar match for the Open Space Trust Award;

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.

4. BE IT RESOLVED, that in accordance with Ordinance No. 82-45, the City Manager is hereby authorized to enter into an agreement with the County of Bergen for the 2008-2010 seasons whereby the City of Englewood will undertake the snow plowing of certain roads within the City of Englewood in exchange for both materials support and agreed upon cash payment as stipulated in the agreement.

5. WHEREAS, NISA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of a municipality when such item was made available by law and amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the City of Englewood has received notice of an award from the State of New Jersey Special Legislation and wishes to amend the 2008 Budget to include this amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood, Bergen County, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the total sum of \$ 17,500 which is now available as a revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with

Prior Written Consent of the Director of the Division

of Local Government Services:

Appropriations:

Bergen County Department of Health and Senior Services

Municipal Alliance to Prevent Adolescent Drug Abuse

\$ 17,500

BE IT FURTHER RESOLVED that a like sum of \$ 17,500 is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from CAPS

Bergen County Department of Health and Senior Services

Municipal Alliance to Prevent Adolescent Drug Abuse

\$ 17,500

BE IT FURTHER RESOLVED that the City Clerk is authorized to forward two certified copies of this resolution to the Director of Local Government Services for approval.

6. WHEREAS, bids were received by the City of Englewood on July 1, 2008, for Project Number 110811, West Palisade Avenue Island Reconstruction, City of Englewood, following public advertisement and in accordance with specifications therefor in accordance with law; and
WHEREAS, JA Alexander, Inc., 130-158 John F. Kennedy Drive North, Bloomfield, New Jersey 07003 submitted the lowest bid in the sum of \$105,315; 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 West Palisade Avenue Island Reconstruction, City of Englewood, to JA Alexander, Inc., in accordance with its bid;

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, Bergen County, New Jersey that the bid of JA Alexander, Inc., in the total sum of \$105,315 for West Palisade Avenue Island 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 JA Alexander, 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.

7. WHEREAS, bids were received by the City of Englewood on July 1, 2008, for Project Number 110704, Public Safety Complex Sound System Project, City of Englewood, following public advertisement and in accordance with specifications therefore in accordance with law; and WHEREAS, only one bid was received from Bingham Communications, Inc. 819 Pompton Ave., Cedar Grove, NJ 07009 in the total sum of \$ 27,712; 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 Public Safety Complex Sound System Project, City of Englewood, to Bingham Communications, 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 Bingham Communications, Inc., in the total sum of \$ 27,712 for Public Safety Complex Sound System Project is hereby accepted; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute an agreement between the City of Englewood and Bingham Communications, 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.

8. WHEREAS the City is the owner of several parking lots in the Central Business District wherein there is an adjacent commercial enterprise; and

WHEREAS several adjacent commercial enterprises have requested that the City allow them to use an established parking space immediately adjacent to their property for their business use either to provide improved access to their business or to facilitate the operation of the business' vehicles; and

WHEREAS restricting the public use of these spaces to facilitate the viability of the adjacent business is an appropriate use of the City owned property provided that this restriction does not cause financial or operational harm to the City or other nearby property owners;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the City Manager is authorized is lease to an adjoining property owner a public parking space for the business use of that adjoining business or to improve access to that business provided that the City is reimbursed for the lost income that would be generated by that parking space and the use will not be detrimental to the public use of the overall parking lot. The City Manager shall not seek reimbursement if the use of the parking space is restricted due to public safety requirements or if the parking space is to be used by more than the adjoining property owner (for example a loading area for several businesses).

9. BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD that the following statements of revenues and appropriations shall constitute the budget of the Special Improvement District for the fiscal year 2008-2009 commencing July 1, 2008 and continuing until June 30, 2009; and

BE IT FURTHER RESOLVED that said budget be published in The Press Journal and that a hearing on the budget will be held at the Public Safety Complex on August 5, 2008 at 7:30 p.m. at which time and place objections to said budget for the fiscal year 2008-2009 may be presented by the taxpayers, fee payers, or other interested persons; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to make charges and payments for the Special Improvement District; and

BE IT FURTHER RESOLVED that the City Council of the City of Englewood does hereby approve the following as the Special Improvement District budget for the fiscal year 2008-2009:

SPECIAL IMPROVEMENT DISTRICT BUDGET

2008-2009

<u>Revenues</u>		<u>Appropriations</u>	
Business License Fees	247,300	Insurance	2,300
Clean Communities	30,000	Salaries & Benefits	62,000
		Business Leadership Training/other	5,000
		Loan Payment (Biz-W. Palisade)	33,000
		Promotions	125,000
		Improvements & Equipment	30,000
		Advertising & Marketing	20,000
Total Revenues	\$277,300	Total Budget Expenditures	\$277,300

10. WHEREAS, the City removed underground fuel storage tanks at the City Fire Department, the Department of Public Works, and 18 Armory Street and has filed reports on this removal and site investigations with the State Department of Environmental Protection; and
 WHEREAS, the NJDEP has raised a number of issues and concerns that must be addressed to close out these locations; and

WHEREAS, Warren and Panzer did the original site exploration and prepared the initial reports and it is now necessary to extend their contract to address the concerns raised by NJDEP; and

WHEREAS, the City Engineer has received a proposal from Warren and Panzer for these services plus the installation of required monitoring wells and related facilities at a cost not to exceed \$44,200 and deemed the costs to be reasonable; and

WHEREAS, the Local Public Contracts Law authorizes the execution of such professional services contract without competitive bidding 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 that a professional services contract is awarded under the provisions of N.J.S.A.40A:11-5(1)(a) to Warren and Panzer Engineers, 228 East 45 th Street, New York, NY for the following services: develop and implement the necessary work plan and remedial investigation report and to install any required monitoring wells to respond to the NJDEP concerns over discovered underground contamination relating to the former fuel storage tanks at the Fire Department, Public Works Department, and 18 Armory Street.

The Finance Officers Certificate of Availability of Funds is on file in the Office of the City Clerk.

11. WHEREAS Ordinance No. 89-6, Section 10-103 establishes fees to be charged to anyone doing filming in the City of Englewood; and

WHEREAS Section 10-102 provides the authority to the City Manager to waive the requirements of the ordinance subject to certain conditions and restrictions; and

WHEREAS it is appropriate for the City Council to provide guidance to the City Manager on the use of this waiver section;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that in the opinion of the City Council it is appropriate for the City Manager to waive the fee for indoor filming in approved places of assembly by local non-profit institutions when appropriate, provided that all other requirements of the ordinance and City construction and fire safety codes are met, and the City will incur no cost or lost revenues from the filming activity.

12. WHEREAS the City owns a drainage system in Depot Square Park consisting of underground culverts and an open walled channel; and

WHEREAS the City Engineer has proposed improvements to the open channel area establishing a more natural stream flow corridor along with appropriate fencing, seating areas and landscaping; and

WHEREAS the proposed improvements would be entirely financed by a local developer as a contribution required due to his encroachment in an alternate wetland protected area; and
 WHEREAS it is necessary for the City Council to establish a policy for the continuation of this project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, County of Bergen, that the proposal of Princeton Hydro, LLC entitled Depot Square Stream Mitigation, Concept Mitigation Plan, dated May 18, 2008 is accepted and the City Engineer is authorized to instruct the developer and their engineers to proceed with the detail planning and the securing of any permits necessary for the completion of this work.

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President Rosenzweig declared the public session open and the following persons spoke: Elie Kelly, 350 Shepard Ave, does not like the fees associated with recreation programs. Robin Wingate, 262 Thomson Ave, stated that non-residents are using Denning Park preventing area residents from enjoying the park; she would like a community center attached to the next redevelopment project.

Sandy Greenberg, 449 Liberty Rd, believes the pond at the high school needs to be dredged; she would like political contributions made public.

Alva Jones, King Gardens is disturbed by reports of harassment on the job at the DPW. Curtis Caviness, 41 E. Forest Ave, commented on not having Englewood Day, no minority training on construction sites, the ice ring stays open too late, there are no recreation programs in the City's small parks.

Cornelia Rogers, Humphrey St, believes there is divisiveness in the City; she commented on the police department.

Jay Melkin, 77 Chestnut St, thanked the Council for addressing concerns of residents.

Bertram Small, First St, commended the police department for addressing drug activity in his neighborhood.

Shirley Smith, 374 W. Palisade, commented on geese in Trumbull Park and commuter parking at Rock Creek.

Warren Newman, 143 Engle St, commented on elevators and lights in the parking garage. Norman Gorlyn, Madison Ave, believes that all boards should be subject to disclosure of political contributions; commented on various news articles; the Roosevelt School fence needs to be painted.

Sandra Slipp, Chestnut St, offered the City Manager management tips.

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

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Upon motion duly made, seconded, and approved, the City Council retired to closed session to discuss contract negotiations, personnel, litigation.

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

City Clerk