

Englewood, N.J., September 16, 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.

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

The following items were discussed during Executive Session: agenda review. Mr. Bailey explained the cable television franchise system.

Ms. Schoen moved that the minutes of the September 2, 2008 meeting be approved.. Mr. Johnson seconded the motion. Upon roll call, all Council members present voted "Yes". President Rosezweig declared the motion carried and the minutes duly approved.

Mr. Drakeford 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.

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

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

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

As to Ordinance No. 08-25, the City Clerk stated that a 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 Rosenzweig declared that public hearing on this ordinance was open and the following persons spoke:

Mayor Wildes objected to the limited scope of 08-24 and asked that all boards and committees be included.

Joe Clark, 200 John St, asked if there was a penalty for not complying with 08-24; as to 08-25 he asked how extra expenses on the project would be handled.

David Abramovitz, 460 E. Palisade, requested that penalties be inserted in 08-24.

Rosemary Scott, 315 Shepard, suggested that forms are available on line.

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

Mr. Reddin. moved that the Ordinances pass on final reading and be adopted and that the ordinances be published once in the Press Journal. 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.

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, a Bergen County Community Development Grant of \$50,000 has been proposed by Center for Food Action in New Jersey for Security Deposits 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 CD 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 \$40,500 has been proposed by Center for Food Action in New Jersey for Emergency Food 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 CD 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, sealed bids were received on September 3, 2008, for a Six-Yard Refuse Collection Truck Body for the Department of Public Works in accordance with specifications prepared therefore and following public advertisement as required by law; and
 WHEREAS, the only responsible bid received was submitted by Solid Waste Equipment, LLC, Box 101, Rochelle Park, NJ 07662, in the amount of \$ 42,980 plus technical support; and
 WHEREAS, the bid submitted by Solid Waste Equipment is in compliance with the specifications and based upon the recommendation of the purchasing agent and City Treasurer is in the best interest of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by Solid Waste Equipment in a sum not to exceed \$ 42,980 for a Six-Yard Refuse Collection Truck Body 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 Solid Waste Equipment to carry out the foregoing purpose.

The Finance Director's Certificate of Availability of Funds is on file in the Office of the City Clerk.

4. WHEREAS, sealed bids were received on August 21, 2008 for a Firefighters' Personal Protective Equipment in accordance with specifications prepared therefore and following public advertisement as required by law; and

WHEREAS, the lowest responsible bid received was submitted by Total Fire Group, 1 Innovation Court, Dayton, Ohio, 45414 in the amount of \$66,949; and

WHEREAS, the bid submitted by Total Fire Group is in compliance with the specifications and based upon the recommendation of the Fire Chief and the City Treasurer is in the best interest of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by Total Fire Group in a sum not to exceed \$66,949 for a Firefighters' Personal Protective Equipment 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 Total Fire Group to carry out the foregoing purpose.

The Finance Director's Certificate of Availability of Funds is on file in the Office of the City Clerk.

5. WHEREAS, bids were received by the City of Englewood on August 7, 2008 for Project Number 110505, City Hall ADA Compliance, City of Englewood, following public advertisement and in accordance with specifications therefor in accordance with law; and

WHEREAS, Riefolo Construction Co., Inc., Box 87, Belleville, New Jersey 07109 submitted the lowest bid for the Base Bid and Alternates No. 1, 2, and 3 in the total sum of 2\$1,086,000; 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 City Hall ADA Compliance, City of Englewood, to Riefolo Construction Co., 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 Riefolo Construction Co., Inc., in the total sum of \$1,086,000 for City Hall ADA Compliance 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 Riefolo Construction Co., 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. 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 ("RFP") 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. 01-PD-ICMA 021495A) 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. 01-SA-ICMA 021495) 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 (Unites 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.

7. 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:

David Abramovitz

George Auerbach

Bryant Austin-Winwood

Michael Erber

La Kreisha Jean

Mr. Johnson introduced the following ordinance by title:

08-26 AN ORDINANCE AMENDING ARTICLE 13 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD TO AMEND SECTION 25-53.2, 2LOT N, PARKING AT THE TOWNE CENTER AND AMENDING ORDINANCE NO. 07-14 ESTABLISHING FEES FOR VARIOUS PARKING LOTS IN THE CITY OF ENGLEWOOD.

Mr. Johnson moved that the ordinance 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 October 7, 2008. Ms. Schoen 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: Dorothy Carlos, 262 Garden St, wants the Council to be more responsive to the residents of the fourth ward.

Curtis Caviness, 41 E Forest Ave, would like to see Mackay Park inspected for maintenance on a more regular basis.

Cornelia Rogers, Humphrey St, asked about the position of Deputy Police Chief and commented on complaints within the DPW.

Helen Kipout, 99 Charles St, believes the City debt service is too high; there is an elevator out of order at her doctor's office building.

Rosemary Scott, 315 Shepard, asked about the trolleys and employee sensitivity training. Elaine Alston, King Gardens, is concerned about delays in school construction..

Wilma Skinner, 21 Grant St, commented on Dean St flooding. Joe Clark, 200 John St, believes the City needs more low income housing; he wants more information on the City web site.

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

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

City Clerk