

REGULAR ORDINANCE ADOPTION

ORDINANCE NO. 08-26

PRESIDENT ROSENZWEIG : Consideration will now be given to Ordinance No. 08-26. Will the City Clerk please read the ordinance by title.

CITY CLERK: (Read titles under consideration at this time.)

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

PRESIDENT ROSENZWEIG : I declare that the public hearing on this ordinance is now open. If there is any one who desires to be heard concerning this ordinance, or to ask questions concerning this ordinance, he or she will be heard at this time. Please come forward to the microphone and give your name and address for the record.

* * * * *

If no one else wishes to be heard, I will now close the public hearing.

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MR. JOHNSON : I move that the ordinance pass on final reading and be adopted, and that the ordinance be published once, by title only, with the usual legal notice, in the Press Journal.

MS. SCHOEN : I second the motion.

ROLL CALL

PRESIDENT ROSENZWEIG : I declare the motion carried and the ordinance duly adopted.

ORDINANCE NO. 08-26

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

WHEREAS, the City Council of the City of Englewood adopted Ordinance No. 08-02 to establish Parking Lot N between South Van Brunt Street and Humphrey Street; and

WHEREAS, it is necessary to allow for the rental of additional off-street parking spaces for merchants and employees in the Central Business District;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Englewood, Bergen County, New Jersey, as follows:

Section 1. Article 13 of Chapter 25 of the Revised General Ordinances of the City of Englewood, Section 25-53.2B, is hereby amended to establish monthly parking spaces for merchants and employees in the Central Business District:

B. Regulations of lot
"There shall be reserved in Lot N such number of monthly permit parking spaces as may be determined by the City Manager and designated by appropriate signing. No person shall permit the parking of any vehicle in any such reserved monthly permit parking spaces unless such person has:

- A. Obtained the appropriate parking permit, the application for which shall identify, by license plate number of the vehicle for which the permit is sought.
- B. Paid the appropriate parking fee to the City of Englewood which shall be established by ordinance of the City Council."

"The following fees are hereby established for the Towne Center Parking Lot N:
\$60/month for monthly spaces designated for use by those who work in the Central Business District of the City of Englewood.

Section 3. If any sentence, clause, or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

Section 4. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect immediately upon passage and publication as required by law.

Section 2. Ordinance No. 07-14 establishes fees for various parking lots within the City of Englewood is hereby amended regarding fees for monthly parking in Lot N as follows:

CITY OF ENGLEWOOD

RESOLUTION

WHEREAS, a Bergen County Community Development grant of \$72,000 has been proposed by the Women's Rights Information Center for the Shared Housing for One Parent Families 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 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.

CITY OF ENGLEWOOD

RESOLUTION

WHEREAS, a Bergen County Community Development grant of \$110,000 has been requested by Women's Rights Information Center for Help for Enterprising Women in the City of Englewood; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in the 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 CD funds,

NOW, THEREFORE, BE IT RESOLVED that the City of Englewood hereby confirms endorsement of the aforesaid project; and

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

CITY OF ENGLEWOOD
RESOLUTION

WHEREAS, a Bergen County Community Development Grant of \$75,000 has been proposed by the Infant-Senior Sharing Project, Inc. Infant-Toddler Day Care Center for Administrative Costs 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 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 shall be sent to the Director of Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

CITY OF ENGLEWOOD
RESOLUTION

WHEREAS, a Bergen County HOME Investment Partnership grant of \$750,000 has been proposed by the Bergen County Housing Authority for Tenant Based Rental Assistance 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 City 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 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.

CITY OF ENGLEWOOD

RESOLUTION

WHEREAS, a Bergen County Community Development grant of \$ 48,230 has been requested by Gorgeous Girls and Gifted Guys Book Club, Inc. for Healthy Minds, Healthy Bodies Program in the City of Englewood; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in the 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 CD funds,

NOW, THEREFORE, BE IT RESOLVED that the City of Englewood hereby confirms endorsement of the aforesaid project; and

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

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CITY OF ENGLEWOOD

RESOLUTION

WHEREAS, a Bergen County Community Development Grant of \$35,000 has been proposed by Calvary Cares Community Development Corporation, Inc. of Englewood for Smart Kids After School 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, 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 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.

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CITY OF ENGLEWOOD

RESOLUTION

WHEREAS, a Bergen County Community Development grant of \$ 84,600 has been requested by Gorgeous Girls and Gifted Guys Book Club, Inc. for 4G's Community Resource Center Project in the City of Englewood; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in the 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 CD funds,

NOW, THEREFORE, BE IT RESOLVED that the City of Englewood hereby confirms endorsement of the aforesaid project; and

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

CITY OF ENGLEWOOD
RESOLUTION

WHEREAS, a Bergen County Community Development grant of \$ 27,000 has been proposed by the Housing Authority of the City of Englewood for Westmoor Gardens Rehabilitation 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 City 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 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.

CITY OF ENGLEWOOD
RESOLUTION

WHEREAS, a Bergen County Community Development grant of \$307,159 has been proposed by the Housing Authority Housing Management Services Corp. CHODO of the City of Englewood for the Rehabilitation of Property 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 City 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 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.

CITY OF ENGLEWOOD
RESOLUTION

WHEREAS, on September 2, 2008, the City Council approved the renewal of Plenary Retail Distribution License No. 0215-44-015-010, Englewood Joe II Wine & Liquor, LLC t/a Englewood Joe II Wine & Liquor, LLC ; and

WHEREAS, it is necessary for Englewood Joe II Wine & Liquor, LLC to apply to the New Jersey State Division of Taxation for a clearance letter to approve the license;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the resolution adopted by the City Council on September 2, 2008, approving the renewal of Plenary Retail Distribution License No. 0215-44-015-010, Englewood Joe II Wine & Liquor, LLC, is hereby rescinded.

CITY OF ENGLEWOOD

RESOLUTION

WHEREAS, bids were received by the City of Englewood on September 11, 2008, for Project Number 110822, Inlet Reconstruction Project, City of Englewood, following public advertisement and in accordance with specifications therefor in accordance with law; and

WHEREAS, Marini Bros. Construction Co., 9 Lafayette St., Hackensack, New Jersey 07601 submitted the lowest bid in the total sum of \$ 34,100; 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 Inlet Reconstruction Project, City of Englewood, to Marini Brothers Construction Co., 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 Marini Brothers Construction Co., in the total sum of \$ 34,100 for Inlet Reconstruction 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 Marini Brothers Construction Co., 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.

CITY OF ENGLEWOOD

RESOLUTION

WHEREAS, the City of Englewood is in need of design services to provide a study for a plan of action for the long term improvements to City Hall; 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 DiCara/Rubino, 30 Galeesi Dr, Wayne, NJ 07470, 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 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 DiCara/Rubino is hereby appointed for design services to provide a study for a plan of action for the long term improvements to City Hall, and that the City Manager is hereby authorized to execute, and the City Clerk attest to an agreement between the City of Englewood and DiCara/Rubino setting forth the duties, compensation for an amount not to exceed \$20,000, and terms and conditions respecting the appointment; 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.

CITY OF ENGLEWOOD

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RESOLUTION

WHEREAS, NJS A 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 entered into an agreement with New Jersey Transit Corporation to operate a trolley shuttle service within the City of Englewood; and

WHEREAS, the City of Englewood has received contributions from various developers for the sole purpose of funding the operation of the shuttle service and the City 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 \$ 460,000 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:
- Revenues:
- Contribution for the Operation of Trolley Shuttle Service \$ 460,000

BE IT FURTHER RESOLVED that a like sum of \$460,000 is hereby appropriated under the caption of:

- General Appropriations
- (a) Operations Excluded from CAPS
- Contribution for the Operation of Trolley Shuttle Service \$ 460,000

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.

CITY OF ENGLEWOOD

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RESOLUTION

WHEREAS, the general laws of the State of New Jersey grant Municipalities the authority to review an application made by a certified local telephone exchange carrier to install fiber optic cable that is designed to provide telecommunications services within the municipality; and

WHEREAS, pursuant to N.J.S.A. 48:17-10, the City Council may grant its consent to the running of a local telephone line in, upon, along, over or under any public road, street, or highway of the City via the passage of a resolution; and

WHEREAS, Cablevision Lightpath-NJ, Inc. ("Lightpath"), is a Delaware corporation qualified to do business in New Jersey; and

WHEREAS, Lightpath is a certified local exchange carrier and is authorized to provide telecommunications services in the State of New Jersey under authority granted to it by the New Jersey Board of Public Utilities; and

WHEREAS, Lightpath seeks consent from the City Council of the City of Englewood to install fiber optic cable within public rights-of-way controlled by the City; and

WHEREAS, the City Council is satisfied that it is in the public interest to promote competition in the telecommunications market within the City by providing this authorization to Lightpath; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood as follows:

1. Permission is hereby granted to Lightpath to install fiber optic cable and other telecommunications related facilities in and over the public rights-of-way for the purpose of operating a telecommunications network within the City's public right of way;

2. Any and all expenses related to the installation of lines approved herein shall be borne by Lightpath;

3. Lightpath shall be required, at its own expense, to obtain all necessary permits and approvals as required by applicable law and regulations;

4. Lightpath shall adhere to all applicable safety requirements related to the installation, operation, maintenance, and use of the telecommunications network within the City;

5. The permission granted herein shall be extended to Lightpath, its successors, and/or assignees, for twenty-five years, and at the end of said term, Lightpath, its successors and/or assignees, at its sole option, may choose to extend the permission granted herein for an additional twenty-five years;

6. Lightpath, its successors, and assigns shall defend, indemnify, and hold the City harmless from any and all liability for damage to property or injury directly resulting from the installation, operation, maintenance, or use of the local lines authorized herein;

7. Lightpath shall maintain and keep in force and effect, at its sole cost and expense, and at all times during the term of this resolution, sufficient liability insurance naming the City as an additional insured and insuring against loss by any such claim, suit, judgment, execution, or demand in the minimum amount of one million dollars (\$1,000,000.00) for bodily injury or death to any one person, and one million dollars (\$1,000,000.00) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of Lightpath's exercise of its rights hereunder;

8. Lightpath shall be responsible for the repair of damage to paving, existing utility lines, or any surface or subsurface installations, arising from the installation or maintenance of the telecommunications network authorized herein;

9. Lightpath shall provide the City not more than forty-five (45) days after the effective date of this Resolution, at its sole cost and expense, a performance bond in the amount of twenty-five thousand dollars (\$25,000) to ensure faithful performance of its undertakings.

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CITY OF ENGLEWOOD
RESOLUTION

WHEREAS, Oak Trail Road Homeowners Association, Inc. is an association of condominium owners of 93 condominium units located in Block 3803, Lots 11.01, 2.01, and 3.01, as shown on the Tax Map of the City of Englewood; and

WHEREAS, Oak Trail Road Homeowners Association, Inc. and the City of Englewood had previously entered into an agreement respecting the furnishing of services to qualified private communities pursuant to N.J.S.A. 40:67-23.2 et seq., and

WHEREAS, the parties wish to renew said agreement for the years 2008 through 2012;

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 agreement providing for an annual reimbursement, payable semi-annually in two equal installments, from the City of Englewood to Oak Trail Road Homeowners Association, Inc. for the cost of furnishing services to qualified private communities pursuant to N.J.S.A. 40:67-23.2 et seq commencing January 1, 2008, in the sum of \$40,309 to be increased by 4% in each successive year of this agreement term.

CITY OF ENGLEWOOD

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RESOLUTION

WHEREAS, Summit Woods Association is an association of condominium owners of 37 condominium units located in Block 3501, Lot 31, as shown on the Tax Map of the City of Englewood; and

WHEREAS, Summit Woods Association and the City of Englewood wish to enter into an agreement respecting the furnishing of services to qualified private communities pursuant to NISA 40:67-23.2 et seq, and

WHEREAS, said agreement for the years 2008 through 2012;

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 agreement providing for an annual reimbursement, payable semi-annually in two equal installments, from the City of Englewood to Summit Woods Association. for the cost of furnishing services to qualified private communities pursuant to NISA 40:67-23.2 et seq commencing January 1, 2008, in the sum of \$ 7,200 to be increased by 4% in each successive year of this agreement term.

14

CITY OF ENGLEWOOD
RESOLUTION

WHEREAS, the City Council has adopted Ordinance No. 08-08 which requires the registration of all burglar alarm systems in the City and contains provisions intended to reduce the excessive number of false alarms that occur annually; and

WHEREAS, it has been determined that it is more cost efficient to contract with a third party provider to administer the provisions of this ordinance related to registration of alarm systems and tracking false alarms; and

WHEREAS, a competitive procurement process was used to solicit proposals from qualified companies which specialize in this area; and

WHEREAS, on the recommendation of the Assistant City Manager, the City Council has determined, based on professional experience, expertise, reputation, and cost effectiveness, to appoint and award a contract for such services to ATB Services, LLC, 2930 Austin Bluffs Parkway, Colorado Springs, Colorado, 80918, 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 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 ATB Services, LLC is hereby appointed for Burglar Alarm Administrative services, and that the City Manager is hereby authorized to execute, and the City Clerk attest to an agreement between the City of Englewood and ATB Services, LLC, setting forth the duties, compensation, and terms and conditions respecting the appointment.

CITY OF ENGLEWOOD
RESOLUTION

BE IT RESOLVED that the following license is hereby approved by
the Council of the City of Englewood:

RAFFLE LICENSE

Englewood Hospital and Medical Center Foundation, Inc.
350 Engle Street (TO BE HELD ON OCTOBER 30, 2008)
Englewood, NJ 07631

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;

WHEREAS, on September 16, 2008, the City Council adopted a resolution appointing five members to this Board;

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 to complete the required membership for as long as needed to fulfill the requirements of Ordinance No. 05-19: