

Englewood, N.J., December 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 Robert Gorman, Acting 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: Presentation by Rotary Interact Club, Relay for Life; the Harvey estate; RFP for Liberty School and the ice rink; COAH update; alarm administration update, naming the Sheffield Avenue extension; agenda review.

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The City Clerk stated that communications received for the City Council were listed on the Digest (page 1a of these Minutes).

Mr. Reddin moved that the minutes of the December 3, 2008 meeting be approved.. Mr. Drakeford seconded the motion. Upon roll call, Ms. Schoen abstained; all other Council members present voted "Yes". President Rosezweig declared the motion carried and the minutes duly approved.

Ms. Schoen moved that the following Resolution be adopted. Mr. Johnson 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 1b - 1d 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 including the presidential election.

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President Rosenzweig explained the Resolutions on the agenda and invited questions/comments on the items from the public.

Mr. Johnson moved that the following resolutions be adopted by Unanimous Consent. Mr. Drakeford. 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 \$20,000 has been proposed by the Englewood Health Department for the Adolescent Nutrition Education and Health Services 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 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.

2. WHEREAS, the City of Englewood is in need of risk management services as required by the Garden State Municipal Joint Insurance Fund; and

WHEREAS, on the recommendation of the City Manager, the City Council has determined, based on professional experience, expertise, and reputation, to award a contract for such services to Brown & Brown Metro, Inc., Box 678, Florham Park, NJ, 07932, pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; 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, compensation shall be in an amount equal to 7% of the City's annual assessment as promulgated by the Garden State Municipal Joint Insurance Fund;

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 Brown & Brown Metro, Inc. is hereby appointed for risk management 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 Brown & Brown Metro, Inc. setting forth the duties required for a period of one year beginning January 1, 2009 and ending December 31, 2009; 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.

3. WHEREAS, a need exists to establish an Employee Assistance Program under which employees of the City of Englewood who are facing personal issues in their lives that affect job performance may receive professional services to assist in addressing such problems; and

WHEREAS, the County of Bergen Department of Health Services has an established Employee Assistance Program that can be utilized by municipalities in the County; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) authorizes the execution of such professional services contracts without competitive bidding; and

WHEREAS, the cost is \$20,00 per employee and sufficient funding for this program will be included in the 2009 Budget;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that City Manager is hereby authorized to execute an agreement, for the year 2009 with the Bergen County Department of Health Services to provide Employee Assistance services.

4. WHEREAS, it has been determined that there exist outstanding checks in the amounts of \$16,193 in the Current Fund Account and \$10,900 in the Capital Fund Account dated two or more years ago; and

WHEREAS, the Chief Financial Officer of the City of Englewood has confirmed that these checks remain outstanding at this time and recommends the cancellation of these checks;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the total amount of \$27,093 in outstanding checks is hereby cancelled.

5. WHEREAS, there are prior year property tax receivables outstanding for tax years 2003, 2004, and 2006; and
- WHEREAS, the City Auditor has recommended that these receivables be reviewed for cancellation and the Tax Collector and Chief Financial Officer have determined that:
1. the City of Englewood, through an agreement with ERA South, was the owner of record for Block 2602, Lots 2 and 3, located at 100 E. State Highway 4 and 80 E. State Highway 4 for the period covering the fourth quarter of 2006 with a balance due of \$15,173.84 and the aforementioned period of ownership by the City deems the property tax exempt;
 2. for the period 11/5/04 thru 11/9/04, the City of Englewood was the owner of Block 2401, Lot 16, now part of Towne Centre, through an agreement with Englewood Terr. LLC, and during this five day period, the property taxes of \$66.56 were not paid and remained outstanding due to the City of Englewood having ownership of said property; and
- WHEREAS, the general ledger tax receivable balance for tax years 2003 and 2004 are not in agreement with the Tax Collector's actual balances in the amount of \$3,484.60; and
- WHEREAS, this amount is a difference in bookkeeping records and not amounts due to the City of Englewood and should be cancelled in order to reconcile with the Collector's ledger;
- NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Englewood that the tax receivable balances totaling \$18,725.00 for 2003, 2004, and 2006 be cancelled.
6. WHEREAS, N.J.S.A. 40A:4-58 provides that budget transfers must take place prior to December 31, 2008 for the 2008 Budget; and
- WHEREAS, there is a need for budget transfers due to unforeseen circumstances and the need to provide funds to cover imminent obligations;
- NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the Chief Financial Officer is hereby authorized to make transfers from Current Fund Budget Accounts for the year 2008 where a deficit would possibly occur on or before December 31, 2008 pursuant to and in accordance with provisions N.J.S.A. 40A:4-58 and according to the schedule attached hereto (page 3a of these minutes).
7. WHEREAS, on August 23, 2005, the City Council adopted a resolution authorizing a contract for professional services with Edward J. Buzak, Esq. to act as special counsel regarding third round certification by the Council on Affordable Housing (COAH); and
- WHEREAS, the funds authorized by this contract were not to exceed \$25,000; and
- WHEREAS, this need for these professional services is ongoing;
- NOW, THEREFORE, BE IT RESOLVED that Edward J. Buzak, Esq. is hereby continued as special counsel in connection with the above referenced need at an hourly rate of \$200 for all services rendered plus disbursements and cost at a total cost not to exceed and additional sum of \$ 6,000.
- A certificate of availability of funds is on file in the office of the City Clerk.
8. WHEREAS, the Health Department of the City of Englewood desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for \$33,295 for Lead Identification and Field Testing Program (LIFT) to carry out a project to eliminate childhood lead poisoning by identifying and caring for lead burdened children and preventing environmental exposures to lead;
- NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood, Bergen County, New Jersey, does hereby authorize the application for such a grant and receipt of said funds; and
- BE IT FURTHER RESOLVED, the City Manager is hereby authorized to execute said grant application and agreement and any other documents necessary in connection therewith and does further authorize the expenditure of funds pursuant to the terms of the agreement between the City of Englewood Department of Health and the New Jersey Department of Community Affairs.

9. WHEREAS, sealed bids were received on November 19, 2008, for Uniforms for the Department of Public Works in accordance with specifications prepared therefore and following public advertisement as required by law; and

WHEREAS, the lowest, responsible bid received was submitted by The Liberty Store, 5 East Genesee Street, Auburn, NY, 13021, in the amount of \$17,490; and

WHEREAS, the bid submitted by The Liberty Store is in compliance with the specifications and based upon the recommendation of the Purchasing Director 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 The Liberty Store in the sum of \$17,490 for Uniforms for the Department of Public Works 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 The Liberty Store 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.

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President Rosenzweig declared the Public Session open and the following persons spoke: Jean Hopewell, 338 Liberty Rd, commented that a crosswalk is needed at Liberty and Tryon; she would like to see adult education offered by the schools.

Elie Kelly 350 Shepard Ave, complained about a retail store policy and stated that Liberty School is slated to vacate on January 5.

Dorothy Carlos, 262 Garden St, complained about police overtime; she wants Liberty School used by residents.

Tracy Wells, 77 W. Hamilton, complained about speeding on her street.

Alva Jones, King Gardens, wants public input on the use of Liberty School.

Curtis Caviness, 41 E. Forest Ave, wants Lincoln School included in discussions regarding Liberty School and the ice rink.

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 and Board appointments.

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

City Clerk