

Englewood, N.J., September 4, 2007

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 Charlotte Bennett Schoen; Council members Ken Rosenzweig, Scott Reddin, Jack Drakeford, and Gordon Johnson.

Also present were Robert Gorman, Acting City Manager; Lenore Schiavelli, City Clerk; William Bailey, City Solicitor.

President Schoen 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 Schoen asked those present to stand while the Pledge of Allegiance was recited.

The City Manager discussed several items with the City Council.

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

Mr. Johnson moved that the minutes of the July 31, August 7 and 14, 2007 meetings be approved. Mr. Redding seconded the motion. Mr. Rosenzweig pointed out minor changes in the July 31 minutes. Upon roll call, all Council members present voted "Yes". President Schoen declared the motion carried and the Minutes duly approved.

Mr. Reddin moved that the following Resolution be adopted. Mr. Drakeford seconded the motion. Upon roll call, all Council members present voted "Yes". President Schoen 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 commented on the death of past and upcoming events.

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President Schoen stated that consideration would be give to the following ordinance: 07-22 AN ORDINANCE FIXING THE ANNUAL SALARIES TO BE PAID TO OFFICERS AND EMPLOYEES IN THE UNCLASSIFIED SERVICE OF THE CITY OF ENGLEWOOD AS OF JANUARY 1, 2007 AND TO ADD THERETO THE POSITION OF ASSISTANT CITY MANAGER. The City Clerk read the ordinance by title

President Schoen declared the public hearing open and the following persons spoke: Cornelia Rogers, Humphrey St, questioned the Police Chief salary.

Norman Gorlyn, asked about the actual salaries of employees and the financial impact of the ordinance.

Curtis Caviness, 41 E. Forest Ave, commented on the City Manager and Police Chief salaries.

Dierdre Paul, 96 Oak, asked about the health plan.

When no one else wished to comment on the ordinance, President Schoen closed the public hearing.

The City Council decided not to vote on the ordinance pending clarification of the Police Chief's salary.

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President Schoen reviewed the Resolutions on the agenda.

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 Schoen declared the motion carried and the resolutions duly adopted.

1. 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.

2. WHEREAS, a Bergen County Community Development grant of \$244,066 has been proposed by Southeast Senior Center for Independent Living for 2008 Operating Expenses 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.

3. 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.

4. WHEREAS, a Bergen County Community Development grant of \$20,000 has been proposed by Bergen Family Center Armory Street Family Intervention 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 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.

5. WHEREAS, a Bergen County Community Development grant of \$ 250,000 has been proposed by the City of Englewood for the reconstruction of Knickerbocker Road 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 Governing Body; 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 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 the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

6. WHEREAS, Ovarian cancer is called the “silent killer” because its symptoms are often vague or subtle; and

WHEREAS, ovarian cancer is the fourth leading cause of cancer death among women and the leading cause of gynecologic cancer death in the United States; and

WHEREAS, each year, more than 22,000 Americans are diagnosed with the disease and approximately 16,000 die from it; and

WHEREAS, if detected in its early stages, survival from ovarian cancer is 90-95 percent and yet the five-year survival rate for the disease is only 28 percent, because it is so difficult to detect early; and

WHEREAS, the Kaleidoscope of Hope Foundation (KOH), a local non-profit group co-founded by ovarian cancer survivors Gail MacNeil of Chatham Township and Lois Myers of Harding Township, raises funds for research and to increase awareness of the disease and its symptoms, and wishes to remind the public that September is Ovarian Cancer Awareness Month;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Englewood, Bergen County, New Jersey declares its support for National Ovarian Cancer Awareness Month in September 2007.

7. WHEREAS, the City of Englewood Bergen County, New Jersey, is submitting an application to the New Jersey Department of Transportation for a grant of Muncipal Aid for the reconstruction of Linden Avenue between Jones Road and Broad Avenue;

NOW, THEREFORE, BE IT RESOLVED that if this application is approved and accepted by the New Jersey Department of Transportation (“the Department”), the Sponsor agrees that:

a. It shall arrange for financing of the total cost of the project provided for in this Agreement;

b. It recognizes and agrees that continuation of funding under this Agreement is expressly dependent upon the availability to the Department of funds appropriated by the State Legislature from State revenues or such other funding sources as may be applicable. The Department shall not be held liable for any breach of this Agreement because of the absence of available appropriation.

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c. In the event that the Department approves funds in an amount less than requested, the Sponsor, at its option, 1) may either rescind this Agreement or 2) continue with the project and

assume the entire difference between the total cost of the project and the allotment of State funds or 3) reevaluate the project limits or scope and submit a letter of justification to the Department for approval. In the event the Sponsor rescinds the Agreement, the allotted funds shall revert to the source of the funding.

d. The Sponsor must notify the Department of its rescission of this Agreement within thirty (30) days of the expiration of the agreement or subsequent extensions. Not meeting this requirement will result in future grants being provided on a reimbursement basis until such time as the municipality demonstrates satisfactory performance in awarding construction contracts. This does not apply to the County Aid Program.

e. Any purported transfer or assignment of the written obligations of the Sponsor contained herein without prior approval of the Department shall be void.

f. New Jersey Office of Management and Budget, Circular Letter 05-12, Grant Agreements – Agency Contracts and any supplemental compliance statements by the Department, must be complied with by the Sponsor.

g. The work to be performed by the Sponsor under this Agreement shall include but not be limited to the following:

1. Preparation of contract drawings and supplementary specifications.
2. The acquisition of all necessary right-of-way, easements, slope rights and permits.
3. Construction of the above referenced improvement.
4. Monitoring and supervising compliance with all provisions of this Agreement.

h. It shall defend, indemnify, protect and save harmless the State and its officers, agents, servants, and employees from and against any and all suits, claims, demands or damages of whatsoever kind and nature arising out of, or claimed to arise out of, any act, error or omission of the Sponsor, its consultants, contractors, agents, servants and employees in the performance of the work of the project including, but not limited to, expenditures for and costs of investigations, hiring of expert witnesses, court cost, counsel fees, settlements, and judgments.

i. It shall engage a Professional Engineer, registered in the State of New Jersey, for design services on the project. In its agreement for professional services, the Sponsor shall require the provision of professional liability insurance or errors and omissions insurance sufficient to protect against liabilities arising out of the professional obligations performed pursuant to the agreements.

j. In its agreements for professional and non-professional services, the Sponsor shall require the provisions of public liability insurance and every such policy shall include the Sponsor and State as additional named insureds.

k. All design work shall conform to the applicable American Association of State Highway and Transportation Officials (AASHTO) design criteria and the Department's Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines. The design of traffic barriers and drainage systems shall conform to the Department's Roadway Design Manual. No deviation shall be allowed without the knowledge of the Department. If there is deviation from those standards, the Sponsor shall accept any and all responsibility for any injury or damage by such

deviation to any person or property and shall indemnify the State as outlined in this Agreement. All design shall also conform to the current "Manual on Uniform Traffic Control Devices" published by Federal Highway Administration. Design Exception reports will be prepared for all controlling substandard design elements in accordance with the Department's Design Exception Manual. Design Exception reports shall be certified by a New Jersey licensed professional engineer.

l. It shall provide maps, reports, detailed plans, supplementary specification and contract documents required by the Department.

m. All workmanship and materials shall conform to current "New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction" as amended for State Aid.

n. It is the responsible authority, without recourse to the State, regarding the settlement and satisfaction of all contractual and administrative issues arising out of the procurement entered in support of this funding.

o. Prior to advertising for bids, the Sponsor shall notify the Department if it intends to substantially change the scope of the project proposed in the Resolution, Application, and Agreement. No substantial change shall be included in the project unless it has been approved by

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the Department.

p. Any changes in work after the award of contract shall be documented with a Department approved change order.

q. Fifteen (15) calendar days prior to advertisement, the Sponsor shall submit the following to the Division of Local Aid and Economic Development:

1. One (1) copy of the contract plans, specifications, engineer's estimate, and engineer's design certification.

2. Other documents as required.

r. It shall advertise and award the contract in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40 A:11-1 et. seq.

s. It shall comply with all applicable Federal, State and Local laws, rules, ordinances and regulations.

t. Within thirty (30) calendar days of construction bids, unless the Department grants an extension of this time, the Sponsor shall submit the following to the Division of Local Aid and Economic Development.

1. Two (2) copies of the summary of construction bids.

2. A resolution awarding the contract to the lowest responsible bidder submitting a

responsive bid, subject to the approval of the Department.

u. For municipal grants, the municipality shall award a construction contract for the grant project within eighteen (18) months of approval of this Resolution, Application, and Agreement by the Department. The Department in its sole discretion may provide one six (6) month extension after receiving an adopted resolution and justification from the Sponsor at least thirty (30) days prior to the expiration of the grant agreement. The Department in its sole discretion may provide a second six (6) month extension under extraordinary circumstances as defined by NJAC 16:20B1.3 after receiving an adopted resolution and justification from the Sponsor at least thirty (30) days prior to the expiration of the first six month extension. The Department may cancel the grant agreement if the Sponsor does not award the construction contract by the specified time or if an extension is not requested at least thirty (30) days prior to the expiration of the grant agreement or subsequent extensions; or if an extension of time is not granted.

v. Cancellation of the grant agreement because a construction contract was not awarded within the time requirements or because an extension of time was not properly requested thirty (30) days prior to grant agreement expiration or subsequent extensions will result in future grant funds being provided on a reimbursement basis until such time as the Sponsor demonstrates it can award a construction contract within the specified timeframes.

1. Sponsors may voluntarily cancel the grant agreement with written notice thirty (30) days prior to the expiration of the grant agreement or subsequent extensions. Voluntarily canceling the grant agreement with proper notification will result in no penalties on future grants.

x. Upon prior approval of the Department, it may elect to undertake the work through the use of its own forces when it is deemed applicable and appropriate.

y. Neither design costs, the costs for acquisition of all necessary right-of-way, easements, slope rights, and permits nor utility costs shall be considered costs of the project for purposes of computation of the allotment of State Aid funds under this Agreement except in special cases approved by the Department.

z. State participation in the cost of the project shall not exceed the lesser of either 100 percent of the cost of the completed construction work including eligible construction supervision, inspection and material testing, or the original allotment. State participation in inspection and material testing costs combined shall be limited to 15 percent of the eligible construction work cost. The State shall not participate in costs that the Department determines to be beyond the scope of the purposes of the allotment, excessive or otherwise unallowable. The Sponsor shall be afforded an opportunity to challenge this determination at an informal hearing.

aa. At the discretion of the Commissioner of Transportation, payment of the allotted funds may be made to the project Sponsor in the form of a grant. Grant payments shall be made as follows:

1. For programs administered by the Division of Local Aid and Economic Development, a specified percentage, of the lesser of the eligible award amount or allotment amount shall be paid; and

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized to execute and attest this Resolution, Application, and Agreement. The full amount of the allotment shall be paid upon approval of this agreement as determined by the Commissioner. The remaining percentage or balance of funds shall be paid upon submission

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of a final voucher with supporting information as required by the Department. The final voucher must be submitted to the Department within six (6) months of project acceptance. The Department reserves the right to inspect the work associated with the grant as per N.J.A.C 16:20B-3.2.

2. For County Aid and the Local Bridge Bond Act, the full amount of the annual allotment amount shall be paid upon approval of the Annual Transportation Plan (ATP) and the execution of this Agreement unless the County has demonstrated unsatisfactory performance, whereby funds will be provided similar to municipal grants.

3. If the Sponsor requests, progress payments shall be on a reimbursement basis. It shall request reimbursement from the Department by submitting vouchers supplied by the Department with supporting information as required by the Department. Progress payments of not less than \$50,000 may be made.

bb. The Sponsor hereby certifies that all allotted funds shall only be spent on eligible costs for the approved project(s) as described in this Agreement.

cc. In the event allotted funds remain after completion of the work, the remaining funds shall revert to the source of the funding and shall be reallocated by the Department in a manner determined solely by the Commissioner of Transportation.

dd. In the event that the Department determines that it has reimbursed the Sponsor in an amount in excess of the funds actually due under this Agreement, the Sponsor shall, upon notice from the Department, make timely repayments to the State. Upon failure of the Sponsor to timely repay such funds, the State is hereby authorized by this Agreement to deduct those funds from any monies due the Sponsor under the terms of any agreement between the State, its Departments and Agencies and the Sponsor or to gain reimbursement through any other remedies available at law or equity.

ee. It shall provide cost certification and maintain financial records relating to all costs for the project in accordance with N.J.A.C. 16:20A or 16:20B, as applicable, and comply with State of New Jersey audit requirements specified therein.

ff. It shall maintain complete documentation of the project for a period of three (3) years after receiving final reimbursement or payment by the State.

- gg. It shall maintain the completed project in a manner satisfactory to the Department.
- hh. It will comply with Title VI of the 1964 Civil Rights Act.
- ii. Failure to comply with all provisions contained in this Resolution, Application and Agreement may result in the suspension and/or termination of funding.
- jj. Approval as to Form by Certification Process.

8. WHEREAS, the Englewood Fire Department vehicle inventory includes a 1986 Chevrolet S6000 School Bus that was previously used for community relations activities; and

WHEREAS, the vehicle is no longer operative and the New Jersey Urban Search and Rescue Task Force has requested the donation of this vehicle for training purposes; and

WHEREAS, N.J.S.A. 40A:11-36(2) permits the sale of personal property to the State of New Jersey without advertising for bids.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood hereby authorizes the sale of a 1986 Chevrolet S6000 School Bus (VIN # 1GBG6P1A7GV116696) to the State of New Jersey for \$1 and other good and valuable consideration for use by the Urban Search and Rescue Task Force.

9. WHEREAS, NJSA 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 2007 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

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 Government Services to approve the insertion of an item of revenue in the budget of the year 2007 in the total sum of \$ 9,095 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:

State and Federal Revenues Off-set with
 Appropriations:

State of New Jersey - Department of Health and Senior Services
 Pandemic Flu Preparedness

\$

9,095

BE IT FURTHER RESOLVED that a like sum of \$ 9,095 is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from CAPS

State and Federal Programs Off-set by Revenues:
 Pandemic Flu Preparedness

\$

9,095

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.

10. BE IT RESOLVED that the following licenses are hereby approved:

Raffle License: Englewood Hospital and Medical Center to be held on September 27, 2007;
Hadassah Northern Region to be held on May 18, 2008 at the Crowne Plaza Hotel.

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President Schoen declared the public session open and the following persons spoke:
Sandy Simon, 41 Bancker St, asked about the cleaning of storm drains to prevent flooding.
Elle Kelly, 350 Shepard Ave, commented on dispatching police cars and the Board of
Education.

Carter Jackson, NAACP, requested a meeting with the Affirmative Action Officer.

Alva Jones, King Gardens, asked about Towne Center inspections and requested that the
creek in Mackay Park be dredged.

Norman Gorlyn, requested salary information and financial impact statements.

Kevin Wilson, Fire Dept, spoke about late firefighter Karriem Ali

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

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

City Clerk