

Englewood, N.J., September 11, 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 and asked for a moment of silence for victims of 9/11.

Upon the adoption by the City Council of a resolution, prepared and read aloud by Mr. Bailey, pursuant to the Open Public Meetings Act, the City Council retired to closed session to discuss matters pertaining to personnel and litigation.

Upon returning to open session, 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. Drakeford moved that the following Resolution be adopted. Mr. Johnson 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 (page 1b of these minutes) is hereby made a part of the minutes of this meeting.

Mayor Wildes commented on past and upcoming events.

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President Schoen reviewed the Resolutions on the agenda.

Mr. Rosenzweig moved that the following resolutions be adopted by Unanimous Consent. Mr. Drakeford 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 Community Development Grant of \$ 67,200 has been proposed by Christ Church Community Development Corporation for the provision of supportive services for recipients of Section 8 housing 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 will be sent to the Director of Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

2. WHEREAS, a Bergen County Community Development grant of \$14,900 has been proposed by the Flat Rock Brook Nature Association for Environmental Education Opportunities for Englewood Pubic School Students 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.

4. WHEREAS, the City of Englewood has entered into an agreement with the County of Bergen as provided under the Interlocal Services Act, N.J.S.A. 40A:8A-1 et seq., and Title I of the Housing and Community Development Act of 1974; and

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Englewood, Bergen County, New Jersey, hereby appoints Scott Reddin as it's representative to participate on the Community Development Regional Committee and Charlotte Schoen is appointed as the Alternate.

5. WHEREAS, with feelings of deepest regret, the City Council of the City of Englewood must record the passing of Jack Alter, Mayor of Fort Lee; and

WHEREAS, Jack Alter served on the Fort Lee Borough Council, the Bergen County

Board of Chosen Freeholders, the New Jersey Board of Public Utilities, as well as serving as Mayor of Fort Lee from 1992 to 2007; and

WHEREAS, Jack Alter was a tireless and dedicated public servant who effectively represented the interests of Fort Lee and its residents in numerous forums and led many initiatives for which the community can be proud;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Englewood, County of Bergen, State of New Jersey, hereby express their sincere condolences on behalf of the citizens of the City of Englewood to the family and friends of Jack Alter on their loss.

6. WHEREAS, there is currently pending a lawsuit in the Superior Court of New Jersey entitled North Jersey Media Group vs. the City of Englewood; and

WHEREAS, the parties to the above action decided to settle the dispute and enter into a Consent Order memorializing same;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that it hereby approves the settlement of the above entitled action which provides that the City of Englewood will maintain meeting minutes as required by the Open Public Meetings Act; and

BE IT FURTHER RESOLVED that the City Solicitor is hereby authorized to enter into a Consent Order embodying the terms of the settlement.

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Mr. Rosenzweig moved that the following resolution be adopted. Mr. Drakeford seconded the motion. Upon roll call, Mr. Reddin voted "No"; all other Council members present voted "Yes". President Schoen declared the motion carried.

WHEREAS, Qwest has entered into a Joint Use License Agreement with Verizon New Jersey, Inc., allowing Qwest to place its equipment and facilities on utility poles, in conduits, and in rights-of-way controlled by Verizon, subject to the requirement that Qwest obtain any necessary authorization from the City for the construction, operation, and maintenance of Qwest's equipment in Verizon's locations; and

WHEREAS, Qwest has requested that the City authorize Qwest to enter onto its public right-of-way, along certain sections of Van Nostrand Avenue, Jones Road, Linden Avenue, Woodland Street, and Palisade Avenue, as more particularly shown on Exhibit A attached hereto and made a part hereof, for the purpose of constructing two (2) conduits and placing fiber optic cable within the newly constructed conduit and in existing Verizon conduit; and

WHEREAS, the installation of this fiber optic cable in the public right of way requires the consent of the City pursuant to N.J. S .A. 40A: 17-10; and

WHEREAS, Qwest desires to obtain consent and permission from the City to perform Qwest's construction work; and

WHEREAS, the City desires to grant its permission and consent to Qwest to perform its construction work;

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

1. Qwest is authorized to enter upon the public right of way, for the purpose of constructing new conduit, installing fiber in the newly constructed conduit and in existing Verizon conduit, as more particularly described in Exhibit A.

2. Qwest agrees that prior to conducting any work, it will contact the City Engineer for the

purpose of determining what, if any, permits are necessary for the proposed work, and the Englewood Police Department in order to comply with any procedures related to traffic management.

3. Qwest agrees that in the event that the City's property or any property belonging to third persons is disturbed or damaged, Qwest will replace the property and restore it to its condition prior to Qwest's work on the site.

4. Qwest agrees that they will cooperate fully and in a timely manner, in the event that the City of Englewood requires a utility pole to be relocated as a result of a road widening or infrastructure projects by the City within the right of way. Qwest will perform the necessary work to accommodate the City of Englewood at no cost to the City.

5. Qwest shall provide the City with a certificate of liability insurance in the amount of ONE MILLION DOLLARS (\$1,000,000), combined single limit, naming the City, its council members and its officers, agents and employees as additional insureds. The insurance certificate shall provide that the City will be notified not less than 30 days prior to cancellation or modification of the insurance.

6. Qwest agrees to indemnify and hold harmless the City, its council members and officers from any claims, damages, liabilities, fines, charges, penalties, administrative and judicial proceedings and orders, judgments, remedial actions of any kind, all costs and cleanup actions of any kind, and all costs and expenses therewith, including reasonable attorney fees and costs of defense to the extent arising out of Qwest's work undertaken pursuant to this resolution.

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Mr. Johnson introduced the following ordinances by title:

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.

07-23 AN ORDINANCE AUTHORIZING A HEALTH INSURANCE WAIVER PROGRAM FOR THE CITY OF ENGLEWOOD EMPLOYEES

07-24 AN ORDINANCE AMENDING SECTION 18-4(b) OF ARTICLE 1 OF CHAPTER 18 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD REGARDING ADVERTISING FOR EMPLOYMENT.

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He moved that the ordinances pass on first reading and be published once, in full, in the Press Journal and that a public hearing thereon be held September 4, 2007. Mr.

Drakeford seconded the motion.

Upon roll call, all Council members present voted "Yes". President Schoen declared the motion carried..

Mr. Johnson introduced the following ordinance by title:

07-25 AN ORDINANCE AMENDING ARTICLE 8 OF CHAPTER 22 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD TO REGULATE THE CLOSING OF PUBLIC STREETS WITHIN THE CITY OF ENGLEWOOD FOR THE PURPOSE OF CONDUCTING A "BLOCK PARTY".

He moved that the ordinance pass on first reading and be published once, in full, in the Press Journal and that a public hearing thereon be held October 2, 2007. Mr.

Drakeford seconded the motion.

Upon roll call, Mr. Rosenzweig voted "No"; all other Council members present voted "Yes". President Schoen declared the motion carried.

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President Schoen declared the public session open and the following persons spoke:

Patricia Farnsworth, 201 Lincoln St, commented on a water problem on her street.

Elle Kelly, 350 Shepard Ave, wants E. Palisade Ave. widened to prevent traffic tie ups and a bridge built across the Hudson River to divert people from driving through Englewood.

Cornelia Rogers, Humphrey St, wants zoning changed to prevent businesses from backing up to residences; she thinks that the fire whistle is a good warning in an emergency.

Alva Jones, King Gardens, likes the idea of using the fire whistle in an emergency and she would like to see the gutters cleaned.

Shirley Smith, 374 W. Palisade Ave, asked about the status of W. Palisade repairs and installing curb cuts.

Sandy Greenberg, 449 Liberty Rd, prefers a pro-active emergency system such as the police using loud speakers; she would like to see the Planning Board and Board of Adjustment be required to notify property owners in a range larger than 200'; she believes that streets should only be closed for the use of all property owners on a street for a block party.

Dierdre Paul, 96 Oak St, believes that the Fourth Ward is poorly represented.

Isaac Wyler, Sheffield Ave, invited the public to the new ambulance wet down.

Rosemary Scott, 315 Shepard Ave, asked about the W. Palisade Ave repairs and the unclassified salaries.

Carla Burke, 20 Grant St, asked about a plan for correcting flooding.

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