

Englewood, N.J., October 2, 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 Casey, 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.

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 litigation and contract negotiations.

Upon returning to open session, the City Manager discussed several items with the City Council including the audit report and agenda review.

Mr. Johnson moved that the minutes of the September 4 and 11 Council meetings be approved. Mr. Drakeford seconded the motion. Upon roll call, Mr. Rosenzweig pointed out minor changes, 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. Rosenzweig 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 1a-1c of these minutes) is hereby made a part of the minutes of this meeting.

Mayor Wildes commented on past and upcoming events.

Mr. Reddin announced his third ward forum.

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President Schoen stated that consideration would be given to the following ordinances:  
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.

The City Clerk read the ordinances by title







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President Schoen declared that the public hearing on these ordinances was open. When no one wished to speak on the ordinances, she closed the public hearing.

Mr. Johnson moved that the ordinances be adopted and that the ordinances be published once, by title only, with the usual legal notice in the Press Journal. Mr. Drakeford seconded the motion.

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

President Schoen stated that consideration would be give to the following ordinance:  
07-25 AN ORDINANCE 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". The City Clerk read the ordinance by title.

President Schoen declared the public hearing on the ordinance open and when no one wished to speak on the ordinance, President Shoen closed the public hearing.

Mr. Johnson moved that the ordinance be adopted and that the ordinance be published once, by title only, with the usual legal notice in the Press Journal. Mr. Drakeford seconded the motion.

Upon roll call, Mr. Rosenzweig expressed his concern that individual homeowners would be precluded from closing their street for private parties and voted "No". Mr. Bailey explained that a street can only be closed for the "public good". All other Council members present voted "Yes". President Schoen declared the motion carried and the ordinance duly adopted.

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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 Community Development grant of \$37,000 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.

2. WHEREAS, a Bergen County Community Development Grant of \$40,000 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.

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3. 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 from unprogrammed funds from the HOME program for the current fiscal year; 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, a Bergen County Community Development Grant of \$30,000 has been proposed by Center for Food Action in New Jersey for Emergency 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, 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.

5. 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.

6. 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.

7. WHEREAS, a Bergen County Community Development Grant of \$20,000 has been proposed by the Vincente K. Tibbs Child Development Center for Early Childhood Development Enhancement 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

153

4

October 2, 2007

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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.

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

Bergen County United Way, to be held on October 28, 2007.

9. WHEREAS, Rencor, Inc. has presented to United Water New Jersey an application for an extension to its distribution system consisting of 160 feet of 12-inch pipe in South Van Brunt Street serve Rencor, Inc.; and

WHEREAS the City Engineer has reviewed this application; and

WHEREAS the City Engineer recommends the approval of the application subject to the following conditions:

1. United Water Company must secure a right-of-way permit from the Engineering Department; and
2. United Water Company must adhere to the standards for backfill as established by the City Engineer; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the request by United Water New Jersey is hereby approved subject to the requirements of the City Engineer as noted above.

10. WHEREAS, Certificate of Sale # 04-30 was issued to PAM Investors, 127 S. Washington Avenue, Bergenfield, New Jersey, on October 7, 2004 for taxes deemed to be delinquent on Block 3008 Lot 19.35, in the name of Timothy McVey and T. Cosica; and

WHEREAS, Tamara Beamer, Tax Collector for the City of Englewood, has found that Block 3008 Lot 19.35, was not owned by Timothy McVey and T Cosica as they are the owners of Block 3008 Lot 19.45, and that Frances Palazzo is the owner of Block 3008 Lot 19.35; and

WHEREAS, Frances Palazzo has been paying the taxes on Block 3008 Lot 19.45, believing Lot 19.45 to be owned by her due to an error placing her name on the incorrect Lot number while in fact she owned Lot 19.35 and upon this discovery the Tax Collector has transferred payments made on Block 3008 Lot 19.45, to Block 3008 Lot 19.35; and

WHEREAS, the above transference of payments to Block 3008 Lot 19.35, from Block 3008 Lot 19.45, and the name having been corrected in the offices of the Tax Assessor and Tax Collector to reflect Frances Palazzo as the owner of Block 3008 Lot 19.35;

NOW, THEREFORE, BE IT RESOLVED that the lien sold on October 7, 2004, Certificate #04-30, on Block 3008 Lot 19.35, for unpaid 2003 taxes is declared to be invalid as the taxes on Lot 19.35, owner Frances Palazzo, were current based on the fact that the owner had paid taxes on the incorrect Lot 19.45; and

BE IT FURTHER RESOLVED that all monies received on Certificate # 04-30 from PAM

Investors, 127 S. Washington Avenue, Bergenfield, New Jersey, 07621, will be refunded with all statutory interest accrued from the date of payment to the date of issuance and that Block 3008 Lot 19.45, is now deemed to be delinquent for the Second, Third, and Fourth Quarter 2003, 2004, 2005, 2006, through First Quarter 2007 taxes.

WHEREAS, it has been determined that there exists uncommitted and unnecessary funds in the following Capital Ordinances:

Ordinance No. 98-10(a)	\$ 6,304 (Funded)
Ordinance No. 98-11	\$ 48,594 (Funded)
Ordinance No. 98-13	\$ 227,181 (Unfunded)
Ordinance No. 98-24	\$ 61,421 (Funded)
Ordinance No. 01-20	\$ 61,918 (Funded)
Ordinance No. 02-07(d)	\$ 16,189 (Funded)

154

5

October 2, 2007

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WHEREAS, the Chief Financial Officer of the City of Englewood has recommended the cancellation of these funds;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the amount of \$ 421,607 be cancelled and the funded amount of \$194,426 be credited to the Capital Fund Balance.

12. WHEREAS, the City of Englewood is in need of professional environmental evaluation services in compliance with the Department of Environmental Protection regulations in connection with the construction of the Route 4 East access road; and

WHEREAS, such services constitute professional services as that term is defined in the local Public Contracts Law (NJSA 40A:11-1 et seq.); and

WHEREAS, such professional services do not require public bidding; and

WHEREAS, the City of Englewood had solicited informal proposals for such services; and

WHEREAS, based upon a review of the proposals, price, and other factors considered, the City Council finds that it is in the best interests of the City of Englewood to enter into a contract for such purposes with the firm of Environmental Waste Management Associates in an amount not to exceed \$38,290, pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the City Manager is hereby authorized to execute an agreement between the City of Englewood and Environmental Waste Management Associates for professional environmental evaluation services in connection with the construction of the Route 4 East access road in the City of Englewood; and

BE IT FURTHER RESOLVED that the City Clerk cause a brief notice to be published in the Press Journal setting forth the nature and amount of said agreement.

A Certificate of Availability of Funds is on file in the office of the City Clerk.

13. WHEREAS, bids were received by the City of Englewood on August 23, 2007, Transfer

Station Repairs, City of Englewood, following public advertisement and in accordance with specifications therefor in accordance with law; and

WHEREAS, Detcon, Box 2249, Farmingdale, New Jersey 07727 submitted the lowest bid for the Repair of the Blade Assembly in the sum of \$21,399; and

WHEREAS, the City Council finds that it is in the best interest of the City of Englewood to award the contract for Transfer Station Repairs, City of Englewood, to Detcon, 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 Detcon, in the sum of \$21,399 for the Transfer Station Repairs 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 Detcon, 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 is on file in the office of the City Clerk.

14. WHEREAS, on August 23, 2005, the City Council adopted a resolution authorizing a contract for professional services with the law firm of Kleeblatt, Galler, Abramson & Zakim; and

WHEREAS, the need exists for special counsel to represent certain named individuals on claims for punitive damages arising in the matter of Dixon, Brown and Batalha v. City of Englewood, et al., Docket No. BER-L-1671-05; and

WHEREAS, the funds authorized by this contract were not to exceed \$20,000; and

WHEREAS, this case is ongoing;

NOW, THEREFORE, BE IT RESOLVED that the firm of Kleeblatt, Galler, Abramson & Zakim, L.L.C. is hereby continued as special counsel in connection with the above referenced lawsuit at an hourly rate of \$195 for all services rendered plus disbursements and costs, at a total cost not to exceed the sum of \$40,000.

A certificate of availability of funds is on file in the office of the City Clerk.

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15. WHEREAS, the City of Englewood has heretofore instituted an action by way of eminent domain entitled City of Englewood v. Boteach, et al., Docket No. BER-L-3770-04, in order to acquire a portion of Lot 11 in Block 3501 as shown on the Tax Map of the City of Englewood, commonly known as 394 East Palisade Avenue, Englewood, New Jersey; and

WHEREAS, as a result of negotiations conducted between the condemnee and the City of Englewood, a proposed settlement has been reached;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the proposed settlement of the above-captioned lawsuit be approved in the sum of \$25,000; and

BE IT FURTHER RESOLVED that William F. Rupp, Esq., special counsel to the City of Englewood, is hereby authorized and directed to prepare and execute the appropriate Stipulation of Settlement and such other documents as may be necessary to carry out the foregoing settlement.

A certificate of availability of funds is on file in the office of the City Clerk.

16. WHEREAS the City of Englewood is in need of professional mechanical engineer for improvements to the Public Safety Complex HVAC system; and

WHEREAS such services constitute professional services rendered by a person authorized by law to practice a recognized profession and whose practice is regulated by law and such services constitute extraordinary, unspecifiable services which are specialized and qualitative in nature, requiring expertise, extensive training, and proven reputation in the field of endeavor; and

WHEREAS Morris, Johnson & Associates, Inc., 611 Industrial Way West, Eatontown, New Jersey 07724 is a licensed professional in this field who has a proven reputation and extensive training and expertise;

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, and the City Clerk to attest, a contract between the City of Englewood and Morris, Johnson & Associates, Inc. to provide for improvements to Public Safety Complex HVAC system in an amount not to exceed \$45,000, as more fully set forth in the contract which is on file in the office of the City Clerk and is available for public inspection during normal business hours.

A certificate of availability of funds is on file in the office of the City Clerk.

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

WHEREAS, a Bergen County Community Development grant of \$730,450 has been proposed by the DACKKs Group for LINKS Two Project property acquisition 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.

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

WHEREAS, the City of Englewood conducts its own examinations for the position of police officer and establishes minimum requirements for eligibility; and

WHEREAS, the current educational standard for this position is a high school diploma or equivalent; and

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 WHEREAS, the nature of law enforcement work has become increasingly more complex in today's society with the evolution of new statutory protections for individuals and groups; and

WHEREAS, post secondary education programs at both the Associate and Bachelor degree level have evolved at colleges and universities in recognition of the need to properly train individuals who wish to pursue careers in law enforcement; and

WHEREAS, the City Council concurs that it is appropriate to establish a higher educational requirement that could also be satisfied by military experience;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood hereby approves the recommendation of the City Manager to establish a two year Associates degree as the minimum educational requirement for the position of police officer with two years of active duty military service as an equivalent; and

BE IT FURTHER RESOLVED that to the greatest extent possible preference for appointments shall be given to Englewood residents if qualifications are comparable.

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Mr. Reddin introduced the following ordinance by title:

07-26 AN ORDINANCE APPROPRIATING \$40,000 FROM THE CAPITAL FUND BALANCE OF THE CITY OF ENGLEWOOD TO ENVIRONMENTAL ANALYSIS AND PRELIMINARY DESIGN AND COST ESTIMATES FOR A POLICE PISTOL RANGE IN THE CITY OF ENGLEWOOD

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 16, 2007. Mr. Johnson seconded the motion.

Upon roll call, all 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:

Sondra Greenberg, 449 Liberty Road, wants a pay to play ordinance that prevents any entity before an Englewood board to be barred from donating to political causes anywhere in the state.

Cornelia Rogers, Humphrey St, wants the Environmental Commission to look into air quality issues adjacent to residential areas.

Carter Jackson, NAACP, asked about Englewood's affirmative action policy in hiring.

Curtis Caviness, 41 E. Forest Ave, questioned the Health Dept budget's lack of a line item for the salary of a Director and the hiring of same.

Rosemary Scott, 315 Shepard Ave, asked for clarification of the unclassified salary ordinance.

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

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