

Englewood, N.J., October 16, 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, personnel, 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. 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 1a-1d 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 give to the following ordinance:
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. The City Clerk read the ordinance by title.

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

Mr. Reddin 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. Johnson seconded the motion.

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

President Schoen reviewed the Resolutions on the agenda.

Mr. Johnson 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 \$25,200 has been proposed by the Educator’s Network, Inc. for the Educare Literacy Family Clinic 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 \$50,000 has been proposed by the Jewish Family Service to provide counseling service to victims of domestic violence 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.

3. WHEREAS, a Bergen County Community Development Grant of \$250,000 has been proposed by the Urban League of Bergen County for a Housing Assistance 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 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.

4. WHEREAS, a Bergen County Community Development Grant of \$200,000 has been proposed by the Urban League of Bergen County for the Job Bank 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 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.

5. WHEREAS, a Bergen County Community Development grant of \$30,000 has been proposed by Defining Moment Foundation for the Wisdom Counts for Senior Adults 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 Community Development funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood, Bergen County, New Jersey, 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.

6. WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have

made an annual audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the year 2006 has been filed by a Registered Municipal Accountant with the City Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall be resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments

Recommendations;

WHEREAS, the members of the City Council have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

as evidenced by the group affidavit form of the City Council; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit as per the regulations of the Local Finance Board; and

WHEREAS, all members of the City Council have received and have familiarized themselves with, at least, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and required affidavit to said Board to show evidence of said compliance; and

BE IT FURTHER RESOLVED that the Corrective Action Plan prepared by the Chief Financial Officer, is hereby approved and the Chief Financial Officer shall implement the Plan.

7. WHEREAS, Block 3008, Lot 19.45 was deemed to be paid current through the February, 2007 Tax quarter due to an error in ownership between Lot 19.45 and Lot 19.35; and

WHEREAS, due to this error now having been rectified in a resolution adopted on October 2, 2007, thus causing Block 3008, Lot 19.45 to now be delinquent due to no fault of the taxpayer;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the City Manager, on the recommendation of the Tax Collector, deem the delinquent taxes for the Second, Third, and Fourth Quarter of 2003, 2004, 2005, and 2006, are uncollectible and should be released from collection through Tax Collector's Abatement pursuant NJSA 54:4-91.2.

8. WHEREAS, sealed bids were received on September 27, 2007 for a Mechanical Street Sweeper in accordance with specifications therefore and following public advertisement; and

WHEREAS, the Finance Department solicited bids from Timmerman Co, Jet Vac Inc, Grainger, Beyer Bros, and US Municipal Supply; and

WHEREAS, the following is the only responsible bid received:

<u>Company</u>	<u>Amount</u>
US Municipal Supply	
Box 574	
Huntingdon, PA 16652	
	\$126,500

WHEREAS, the low bid submitted by US Municipal Supply is in compliance with the specifications and based upon the recommendation of the Chief Financial Officer can be accepted by the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by US Municipal Supply in the amount of \$126,500 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 US Municipal Supply for a Mechanical Street Sweeper in accordance with the specifications therefore.

The Chief Financial Officer's Certificate of Availability of Funds is on file in the office of the City Clerk.

9. WHEREAS, bids were received by the City of Englewood on October 10, 2007 for Project Number 110329, Brayton Street Sanitary Sewer Replacement, City of Englewood, following public advertisement and in accordance with specifications therefor in accordance with law; and

WHEREAS, Gotthold Paving, LLC, Box 205, Edgewater, New Jersey 07020 submitted the lowest bid in the total sum of \$142,281; 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 Brayton Street Sanitary Sewer Replacement, City of Englewood, to Gotthold Paving, LLC, 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 Gotthold Paving, LLC, in the total sum of \$142,281 for Brayton Street Sanitary Sewer Replacement 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 Gotthold Paving, LLC, 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.

10. WHEREAS, bids were received by the City of Englewood on October 16, 2007 for Project Number 110706, Booth Avenue Culvert Reconstruction, City of Englewood, following public advertisement and in accordance with specifications therefor in accordance with law; and

WHEREAS, Mike Fitzpatrick & Son, Inc., 18 Cozy Lake Road, Oak Ridge, New Jersey 07438 submitted the lowest bid in the sum of \$157,635; 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 Booth Avenue Culvert Reconstruction, City of Englewood, to Mike Fitzpatrick & Son, Inc., 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 Mike Fitzpatrick & Son, Inc., in the total sum of \$157,635 for the Booth Avenue Culvert Reconstruction 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 Mike Fitzpatrick & Son, Inc., 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.

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11. WHEREAS, various contracts have been awarded to Gotthold Paving, LLC for emergency repairs to various underground facilities as well as to correct other deficiencies required for the safety of the general public; and

WHEREAS, the Local Public Contracts law has specific provisions for the aggregation of small contracts within a year requiring public bidding when these individual contracts total more than the annual bid threshold; and

WHEREAS, 40A: 11-6, Emergency Contracts, establishes procedures for local officials to award emergency contracts that exceed the bid threshold of the Public Contracts Law to address specific emergent conditions with the governing body required to authorize approval of the aggregated final contract values; and

WHEREAS, the City Engineer, Kenneth Albert, and/or the Public Works Director, Clyde Sweatt, have filed reports with the City for each of the following incidents indicating that in their opinion these repairs had to be immediately accomplished to protect the public using the facilities in question with these reports being on file with the purchase orders in the City's Finance Department:

Date

Locatio

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		Incident	Amount
1/13/06	Miller/Liberty	Reconstruction of collapsed storm sewer	\$3,200
5/10/06		Palisade/Woodland Sewer break w/ discharge	
6/14/06		7,650 DPW Garage Ruptured sanitary sewer line	
12/19/06		10,670 Shannon Court Curb/sidewalk repairs - handicapped access	
2/7/07		6,800 124 Glenwood Rd Collapse of box culvert	
6/5/07		4,770 Demarest Ave Broken water line (costs to United Water)	4,320
8/17/07	Van Nostrand Ave	Flat Rock Brook collapsed inlets obstructing public access(only contractor available)	6,000
6/07		Overlook Place Sewer break - erosion/health concerns	27,965

WHEREAS, the total value of the emergency contracts is \$71,375; and

WHEREAS, the regulations of the Local Public Contracts Law provides for the approval of emergency contracts of this magnitude provided that certain approvals, certifications and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, that:

1. the recommendation of the City Engineer and/or the Public Works Director and his certification of the need for immediate repairs is hereby accepted;
2. the payments to Gotthold Paving, totaling \$71, 375, are hereby approved as emergency contracts and the City Manager is authorized to execute the necessary documents to make these payments.

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

12. BE IT RESOLVED that the City Council of the City of Englewood wishes to enter into a

grant agreement with the County of Bergen for the purpose of using \$353,125 in 2007 Open Space Trust Funds for City Wide Park Improvements in the City of Englewood; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to execute the aforesaid grant agreement and any other documents and vouchers in connection with the aforesaid project; and

BE IT FURTHER RESOLVED that the City Council recognizes that the City of Englewood is liable for a dollar for dollar match for any funds awarded in accordance with the Trust requirements.

13. BE IT RESOLVED by the City Council of the City of Englewood that the following raffle licenses are hereby approved:

Inter-Religious Fellowship - to be held on November 1, 2007 at 90 W. Palisade Ave.

Flat Rock Brook Nature Association - to be held Nov 11 through Dec 2, 2007 at 443 Van Nostrand Ave.

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14. WHEREAS United Water New Jersey, Inc. has requested authorization to install eleven fire hydrants between Route 4 East and Sheffield Avenue in the City of Englewood along private roads to serve Flat Rock Square;

WHEREAS the City Engineer and the Fire Department in consultation with United Water has reviewed this application for installation of fire hydrants; and

WHEREAS the City Engineer and the Fire Department 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 for the installation of eleven fire hydrants is hereby approved subject to the requirements of the City Engineer as noted above.

15. WHEREAS, the City Council has previously adopted Ordinance Numbers 98-03 and 01-17 establishing a redevelopment plan and designated the City Council as the redevelopment entity for properties along Third Street, which had been previously declared areas in need of renewal and redevelopment; and

WHEREAS, Habitat for Humanity submitted a proposal to purchase and redevelop the subject site; and

WHEREAS, the City Council designated Habitat for Humanity as Redeveloper of the project site and authorized the sale of the project site to Habit for Humanity; and

WHEREAS, on July 7, 2005, the Planning Board of the City of Englewood approved the Habitat for Humanity's application for a major subdivision and site plan with variances, which created two new lots now known as 7.01 and 7.02, as reflected on the approved site plan; and

WHEREAS, notwithstanding the creation of the two new lots the Redeveloper's Agreement dated October 3, 2005, by and between the City of Englewood and Habitat for Humanity identified the subject property as Lot 7, and did not include the additional land area in the newly created Lot 7.01 and 7.02; and

WHEREAS, Habitat for Humanity has requested a Corrective Deed to accurately describe the property to be conveyed.

NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby authorized to enter into an Amended Developer's Agreement to accurately reflect that the property formerly known as Lot 7 is now known as Lot 7.01 and 7.02; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute a Corrective Deed accurately describing the subject property in accordance with the foregoing.

16. 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 \$15,000; 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 the sum of \$25,000.

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

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Mr. Drakeford introduced the following ordinances by title:

07-27 AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD TO ADD THERETO CHAPTER 27 PERTAINING UNIFORM CONSTRUCTION CODE.

07-29 AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A PORTION OF CERTAIN CITY-OWNED LAND LOCATED AT 120, 100 AND 80 STATE HIGHWAY ROUTE 4 (LOTS 1, 2 & 3 IN BLOCK 2602) IN THE CITY OF ENGLEWOOD TO THE STATE OF NEW JERSEY FOR ROADWAY PURPOSES

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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 November 7, 2007. Mr. Rosenzweig seconded the motion.

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

Mr. Johnson moved that the agenda be amended to add thereto Ordinance No. 07-30. Mr. Rosenzweig seconded the motion. Upon roll call, Mr. Drakeford voted "No"; all other Council members present voted "Yes". Unless the vote is unanimous the agenda may not be amended.

* * * * *

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

Alva Jones, King Gardens, commented on the use of her name in a campaign flyer that was unsigned; she commented on the construction of Towne Center.

Ava Faustin, Team Management, 132 Engle St, commented on the removal of the CD application approval resolutions from the agenda.

Dawn Tyler, 35 Brook St, stated that she has an autistic child and recreation programs were not available; she asked that more programs for the disabled be developed. Mr. Rosenzweig asked for a report from the Director.

Steven Weinstein, 8 Brayton St, commented on development in the City.

Wm Satterfield would like to see Cross St reconstructed, a gazebo in Depot Park, water and rest rooms in all park, and police on foot patrols.

Shirley Smith, 374 W. Palisade Ave., commented that all parks should have programs and water; she asked about the reconstruction of Palisade Ave; she praised the recreation department.

Carter Jackson, NAACP, commented that recent employee promotions were made without considering affirmative action.

Norman Gorlyn would like to see all bidders list political contributions; he would like to see a resident parking program.

Laura Vogel commented on the need for more bus routes and stated that City properties need better maintenance.

Curtis Caviness, 41 E. Forrest Ave, asked about Englewood Day; he asked about replacing During Park with other green acres; he did not approve of closing Mackay Park to residents for the Avon walk.

Sandra Slipp, 220 Chestnut St, questioned the CD process.

Elie Kelly, 320 Shepard Ave, is opposed to children taking classes at the DPW; he would like a community center; he asked about police promotions.

Sondra Greenberg, 449 Liberty Rd, asked about Miller's Pond upkeep and the DEP rule regarding culverts.

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 and the Council went back into closed session.

City Clerk