

Englewood, N.J., November 7, 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: Council President Charlotte Bennett Schoen; Council members Ken Rosenzweig, Scott Reddin, Jack Drakeford, and Gordon Johnson.

Absent: Mayor Michael Wildes.

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.

City Manager discussed several items with the City Council and agenda review.

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

Mr. Rosenzweig moved that the minutes of the October 2 and 16 Council meetings be approved. Mr. Johnson seconded the motion. 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. 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 1b-1d of these minutes) is hereby made a part of the minutes of this meeting.

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President Schoen stated that consideration would be given to the following ordinance: 07-27 AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD TO ADD THERETO CHAPTER 27 PERTAINING UNIFORM CONSTRUCTION CODE. 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. Drakeford moved that the ordinance be amended to reflect the proper Chapter 9 and numbering sequences. Mr. Johnson seconded the motion. Upon roll call, all Council members present voted "Yes". President Schoen declared the ordinance duly amended.

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

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









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

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President Schoen reviewed the Resolutions on the agenda.

Mr. Johnson moved that the following resolutions be adopted by Unanimous Consent. Mr. Reddin 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, Resource Environmental, LLC is submitting a New Jersey Pollutant Discharge Elimination System Permit Application to the New Jersey Department of Environmental Protection for the Englewood ExxonMobil Facility at 11 Demarest Avenue in the City of Englewood; and WHEREAS, RELLC is seeking access to the storm sewer connection to convey treated water to Overpeck Creek via the storm sewer; and

WHEREAS, said applications must be approved by the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the City agrees to provide applications to the NJDEP of RELLC as directed by the NJDEP; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute any documents required with respect to the applications of RELLC to the NJDEP provided, however, that said agreement is in a form acceptable to the City Engineer, City Solicitor, and City Manager.

2. WHEREAS, the City of Englewood is in need of an Environmental Assessment regarding the Police Pistol Range; and

WHEREAS, on the recommendation of the City Engineer, the City Council has determined, based on professional experience, expertise, and reputation, to appoint and award a contract for such services to PMK Group, 65 Jackson Drive, Cranford, NJ 07016, pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

WHEREAS, the parties wish to mutually set forth the compensation, terms and conditions regarding such appointment; 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, sufficient funds are available for this purpose pursuant to the 2007 budget of the City of Englewood.

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 PMK Group is hereby engaged for an Environmental Assessment regarding the Police Pistol Range, and that the City Manager is hereby authorized to execute, and the City Clerk attest to an agreement between the City of Englewood and PMK Group setting forth the duties, compensation for an amount not to exceed \$27,000, and terms and conditions respecting the Environmental Assessment regarding the Police Pistol Range; 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.

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3. WHEREAS, bids were received by the City of Englewood on November 7, 2007 for Project Number 110708, Mackay Park Soccer Field Construction Project, City of Englewood, following public advertisement and in accordance with specifications therefor in accordance with law; and

WHEREAS, Zenith Construction Services, Inc., 256 Grant Avenue, East Newark, New Jersey 07029 submitted the lowest bid in the total sum of \$177,900; 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 Mackay Park Soccer Field Construction Project, City of Englewood, to Zenith Construction Services, Inc., in accordance with its bid;

WHEREAS, this bid is awarded according to a fair and open process pursuant to PL 2004, c.19;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey that the bid of Zenith Construction Services, Inc., in the total sum of \$177, 900 for Mackay Park Soccer Field Construction Project 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 Zenith Construction Services, 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.

Mr. Reddin moved that the following resolutions be adopted by Unanimous Consent. Mr. Rosenzweig seconded the motion. Upon roll call, Mr. Johnson abstained; Mr. Drakeford voted "Yes"; all other Council members present voted "No". President Schoen declared the resolutions defeated.

1. WHEREAS, a Bergen County Community Development Grant of \$75,000 has been proposed by Team Management 2000 for the Teenage Transitional Alternative 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 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 \$750,000 has been proposed by Team Management 2000 for the 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 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 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 \$200,000 has been proposed by Team Management for Operating Expenses as Community Housing Development Organization 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

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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 the 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.

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- Mr. Drakeford introduced the following ordinances by title:
- 07-28 AN ORDINANCE AMENDING CHAPTER 11 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD PERTAINING TO THE ENFORCEMENT OF THE UNIFORM FIRE SAFETY ACT.
  - AN ORDINANCE AUTHORIZING THE LEASE OF CITY-OWNED
  - 07-30 PREMISES LOCATED AT 16 WILLIAM STREET, ALSO DESIGNATED AS LOT 8 IN BLOCK 2304 AS SHOWN ON THE TAX MAP OF THE CITY OF ENGLEWOOD.
  - 07-31 AN ORDINANCE AUTHORIZING WITHHOLDING NO-BID PUBLIC CONTRACTS FROM POLITICAL CONTRIBUTORS (RESTRICTING PAY TO PLAY)
  - 07-32 AN ORDINANCE AMENDING ORDINANCE NO. 07-22 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.

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 20, 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:
- Barbara Backous, Team Management, questioned Mr. Johnson's hesitancy in approving the CD resolutions.
  - Ava Faustin, Team Management, 132 Engle St, explained the need for the CD application approval resolutions.
  - George Fowler, Team Management, explained the benefits to him of the organization.
  - Ms. Torres, supports Team Managements programs.
  - Elie Kelly, 350 Shepard Ave, asked why a new soccer field is necessary.
  - Curtis Caviness, 41 E. Forest Ave, supports Team Management and questioned the Council's process; he commented on the loss of grants because there is no health officer appointed by the Board of Health; he commented on the fact that Durie Park was Green Acres and with a new school being constructed, the open space should be replaced.
  - Carter Jackson, NAACP, is concerned that not approving the Team Management CD resolutions appears racist.
  - Sue Gamrin, 405 Murray Ave, questioned the construction of the West Palisade islands.
  - Carol Boseman, 46 Coriander Way, complained about teens loitering in the complex.
  - Philip Vogel, 318 Marlboro Rd, commented on leaf collection; he would like a new tree.
  - Nancy Guice, Ridgefield, wants the Mayor to apologize to Lynden LaRouch.
  - Dr. Shapiro, Hackensack, supports Gordon Johnson and his donations to Lynden LaRouch
  - Jack Silverman, 320 Murray Ave, asked if an OPRA form was necessary for property

maintenance information; he described the Mayor's actions as "disgusting".

Alva Jones, King Gardens, commented that William Street still needs to be repaired and asked why lower Van Brunt was closed; she does not want to see any more development in the City.

Laura Vogel, 318 Marlboro Rd, asked if lacrosse could be played on a soccer field.

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 and the Council went back into closed session.

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 personnel.

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City Clerk