

# City of Englewood

## City Council Meeting Minutes

March 2, 2010

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A Regular Formal Meeting of the Mayor and 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.

**Roll Call:** Present: Council President Scott Reddin  
Council member Lynne Algrant  
Council member Ken Rosenzweig  
Council member Charlotte Bennett Schoen  
Council member Jack Drakeford  
Mayor Frank Huttie III  
City Manager Daniel Fitzpatrick  
City Solicitor William Bailey  
City Clerk Lauren Vande Vaarst

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

President Reddin read the following resolution aloud.

**WHEREAS**, Chance Cocum, an Englewood resident and member of Boy Scout Troop 28, was presented with the coveted Eagle Scout Award at the Eagle Court of Honor on February 20, 2010: and

**WHEREAS**, the Boy Scouts of America, founded in 1910 and chartered by Congress in 1916, provides an exemplary educational program for boys and young men; and

**WHEREAS**, the honor of Eagle Scout is only bestowed to 2% of all boys who join the ranks of Scouting; and

**WHEREAS**, Chance Cocum qualified for the top rank of Eagle Scout by completing the demanding Eagle requirements, including showing Scout spirit, obtaining over 21 merit badges, and holding positions of responsibility; and

**WHEREAS**, Chance Cocum successfully completed his Eagle Scout Project, which was to conduct a food drive at several supermarkets in Englewood, making posters, fliers and setting up tables and collecting contributions, to help improve the lives of the less fortunate; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council of the City of Englewood hereby honor Chance Cocum for his leadership, commitment, and service to society, the Boys Scouts of America, and the City of Englewood.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Rosenzweig</i>	X	X			
<i>Bennett Schoen</i>		X			
<i>Drakeford</i>				X	
<i>Reddin</i>		X			

Councilman Rosenzweig read the following resolution aloud.

**WHEREAS**, Doctor Jennifer Ashton, Board-Certified in Obstetrics-Gynecology, who specializes in Adolescent Gynecology with a private clinical practice in Englewood, New Jersey; and

**WHEREAS**, Dr. Ashton is an active member of the North American Society of Pediatric and Adolescent Gynecology and a Fellow of the American College of Obstetricians and Gynecologists; and

**WHEREAS**, Dr. Ashton has joined CBS as a News Medical Correspondent and where she raised awareness by sharing her experience and those of the victims in Haiti for the CBS Evening News with Katie Couric as well as 'Face the Nation' with Bob Schieffer; and

**WHEREAS**, Dr. Ashton acted in Haiti as a transferring physician, as well as assisted in the amputation of a 15 year old girl and cared for patients by addressing their needs for wound care, dressing changes, starting IV's and providing needed medication; and

**NOW, THEREFORE, BE IT RESOLVED** that the Englewood City Council, hereby honors Doctor Jennifer Ashton for her voluntary efforts in Haiti and bringing awareness about the travesty.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Rosenzweig</i>	X	X			
<i>Bennett Schoen</i>		X			
<i>Drakeford</i>				X	
<i>Reddin</i>		X			

Councilwoman Charlotte Bennett Schoen read the following resolutions aloud.

**WHEREAS**, Congregation Ahavath Torah, was created in 1895 and now celebrates its 115th anniversary as the vibrant, burgeoning Congregation Ahavath Torah in its new building; and

**WHEREAS**, founding residents first met in local homes, then rented space on Armory Street and Durie Avenue; and

**WHEREAS**, the George Washington Bridge had not yet been built and traveling to New York for kosher foods was arduous since the residents were required to journey by trolley to Edgewater, followed by a ferry to One Hundred Twenty-fifth Street; and

**WHEREAS**, in 1911, Ahavath Torah had grown to fifty families and established a new home at 33 Humphrey Street, and soon required bigger space whereupon they acquired a former church building on Englewood Avenue; and

**WHEREAS**, in 1958 Congregation Ahavath Torah moved to 240 Broad Avenue, the former estate of Baroness Cassel Van Dorn, and a new sanctuary was built - the relocation was celebrated by a march through the streets of Englewood with the Torahs being transported to their new home; and

**WHEREAS**, Rabbi Isaac Swift, O"H, became the revered spiritual leader in 1960, and led the community through an exciting period of growth and expansion until his retirement twenty-four years later; and

**WHEREAS**, Rabbi Shmuel Goldin became the rabbi in 1984 and assiduously nurtured the synagogue's unique character of unity and diversity; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council of the City of Englewood, Bergen County, New Jersey hereby honors Congregation Ahavath Torah, whose membership bridges tradition with diverse ages, background, and outlook.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Rosenzweig</i>	X	X			
<i>Bennett Schoen</i>		X			
<i>Drakeford</i>				X	
<i>Reddin</i>		X			

**WHEREAS**, Rabbi Shmuel Goldin has served as innovative spiritual leader of Congregation Ahavath Torah, the

largest orthodox synagogue in Northern New Jersey, since 1984; and

**WHEREAS**, Rabbi Goldin is past President of Rabbinic Alumni of Yeshiva University, past President of the Rabbinical Council of Bergen County, and former Chairman of its Kashruth Committee and is the founder and chairman of Shvil Hazahav; and

**WHEREAS**, Rabbi Goldin has received numerous awards and was selected as “1994 Newsmaker of the Year” by The Jewish Standard, a weekly publication of Bergen and Hudson Counties in New Jersey; and

**WHEREAS**, Rabbi Goldin, in 2000, delivered a ground-breaking lecture at The Jewish Theological Seminary of America concerning interdenominational relations titled “Why Can’t We All Just Get Along: An Orthodox Rabbi’s View on Pluralism”; and

**WHEREAS**, Rabbi Goldin has lectured extensively throughout the world and has authored many articles on the peace process, interdenominational dialogue, the Jewish Israeli Diaspora, and other current issues; and

**WHEREAS**, Rabbi Goldin serves his congregation with compassion and empathy;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council of the City of Englewood, Bergen County, New Jersey hereby honor Rabbi Shmuel Goldin and his wife, Barbara for their 25 years of leadership, commitment, and service.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Rosenzweig</i>	X	X			
<i>Bennett Schoen</i>		X			
<i>Drakeford</i>				X	
<i>Reddin</i>		X			

**Presentation:** Ed Barsuk, Executive Director – Southeast Senior Center for Independent Living (SESCIL)

- Read letter from SESCIL regarding use of their site by the City as a Polling Location
- Discussion of \$1,000.00 fee paid annually to City

**Executive Session (Committee of the Whole):**

1. PSE&G Audits - **Withdrawn**
2. Review of Ice Rink Agreement
3. Budget Workshop Dates/ Schedule Interviews of Auditor Candidates
4. James Street Zoning: Presented by Ken Albert, City Engineer Thomas Van Dam, Attorney for Owners of Shop Rite
  - COAH
  - Affordable and Market Rate Housing
  - Additional Parking
  - Upgrade Supermarket
5. Sale of City property
6. Discussion of Snowstorm: Presented by Clyde Sweatt
 

Public Commentors:

  - Elle Kelly 357 Shepard Avenue
  - Phillip Vogel 318 Marlboro Road
  - Sue Gamrin 405 Murray Avenue
  - Joseph Clark 200 John Street
  - Sondra Greenberg 449 Liberty Road
  - Gerald Marion 271 Franklin Road
  - Chris Tamayo 209 Pleasant Avenue
  - Rosemary Scott 315 Shepard Avenue
  - Chris Gagliardi 165 West Street – Apt. D
  - Norman Gorlyn 150 Madison Avenue
  - James Evans 341 Washington Place

**Summary of Public Comments:**

- Cul-de-Sacs and Dead End streets were not plowed until days preventing residents from getting out.
- When Cul-de-Sacs and Dead End streets were finally plowed, often the plows pushed snow into already cleared driveways trapping some residents again.
- Rudeness of City workers answering phones at the DPW.
- Does DPW need to have more workers answering phones during a major storm?
- Why was the City not better prepared when they knew the storm was coming?

- Why does the City not use independent contractors' to assist in snow removal?
- Sidewalks and streets surrounding the City's schools were not properly cleared of snow, and snow was piled at corners blocking driver's ability to safely enter intersections. This needs to be a priority for the safety of the school children.
- The Fire Department had to call snowplows off their routes in order to handle emergency removal of fallen trees that were blocking roadways.
- The hills in the City are very steep and get icy quickly, so they are a priority but the flat part of the City cannot be ignored.

7. Agenda Review

Resolution accepting Minutes

**BE IT RESOLVED**, that the following minutes be and are hereby accepted and filed:

COUNCIL MEETING  
February 16, 2010

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Rosenzweig</i>		X			
<i>Bennett Schoen</i>		X			
<i>Drakeford</i>				X	
<i>Reddin</i>		X			

Resolution approving payment of Bills and Claims

**WHEREAS**, The Chief Financial Officer has certified and submitted a consolidated bill and claims list for payment; and

**WHEREAS**, all bills and claims listed herewith have been encumbered and sufficient funds are available for payment; and

**WHEREAS**, the required signatures have all been obtained on each voucher on the attached list.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Englewood, that the bills and claims on the submitted list are hereby approved for payment in the total amount of \$632,966.65.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Rosenzweig</i>	X	X			
<i>Bennett Schoen</i>		X			
<i>Drakeford</i>		X			
<i>Reddin</i>		X			

**Communications from the Mayor/Council members:**

**Ordinances - Public Hearing/Second Reading:**

The following ordinances were approved on first reading at the meeting of the Mayor and Council held on February 17, 2010, and published in the February 18, 2010 edition of the Press Journal. Copies have been made available to the public since introduction.

**ORDINANCE 10-03**

**AN ORDINANCE AUTHORIZING AN EXTENSION OF THE LEASE  
BETWEEN THE CITY OF ENGLEWOOD AND FLAT ROCK BROOK  
NATURE ASSOCIATION, INC.**

**WHEREAS**, the City of Englewood has heretofore entered into a lease with the Flat Rock Brook Nature Association, Inc., dated July 20, 1976, by which the City leased to the Nature Association the premises heretofore designated as Green Acre lands and currently known and designated as Block 3705, Lot 1; Block 3501, Lot 44; Block 3501, Lot 13.01, Block 3601, Lot 5, together with management of those areas for which conservation easements have been granted to the City of Englewood, including a portion of Lot 3l in Block 3501 and a portion of Lot 9.01 in Block 3501; and

**WHEREAS**, the Flat Rock Book Nature Association, Inc is a non-profit corporation of the State of New Jersey whose purposes include the proper management and conservation of lands in their natural state and educational

programs to further the study of nature, for the promotion of the health, safety, morals, and general welfare of the citizens of the City of Englewood; and

**WHEREAS**, the initial lease was scheduled to terminate July 31, 2001; and

**WHEREAS**, the Flat Rock Brook Nature Association, Inc. requested that the City of Englewood extend said lease; and

**WHEREAS**, N.J.S.A. 40A:12-15 permits the extension of said lease for a 25 year period; and

**WHEREAS**, pursuant to such request and City of Englewood Ordinance No 99-15, said lease was extended for a period of 25 years commencing August 1, 2001 and continuing until July 31, 2026; and

**WHEREAS**, the Flat Rock Brook Nature Association has requested that the City of Englewood further extend said lease;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Englewood, Bergen County, New Jersey, pursuant to N.J.S.A. 40A:12-14 and 15, as follows:

Section 1. The City Manager is hereby authorized to execute, and the City Clerk to attest, and extension in the lease between the City of Englewood and Flat Rock Brook Nature Association, Inc, originally dated July 20, 1976 and extended until 2026, containing the following provision:

a. The extended term shall be for a period of 10 years commencing on August 1, 2026 and continuing until July 31, 2036;

Section 2. Except as modified above and the modifications contained in Ordinance No. 99-15, adopted on May 18, 1999, the lease heretofore entered into between the City of Englewood and Flat Rock Brook Nature Association, Inc. dated July 20, 1 976 shall remain in full force and effect during the extended term.

Section 3. If any sentence, section, clause, or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

Section 4. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect upon passage and publication as required by law.

FIRST READING DATE: 02/16/2010

COUNCIL	MOTION	VOTE
<i>Algrant</i>		Y
<i>Rosenzweig</i>		Y
<i>Bennett Schoen</i>	X	Y
<i>Drakeford</i>		AB
<i>Reddin</i>		Y

DATE PUBLISHED IN THE PRESS JOURNAL: February 17, 2010

DATE PUBLIC HEARING HELD: 03/02/2010

DATE SECOND READING HELD: 03/02/2010

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
<i>Algrant</i>		Y		Y		Y
<i>Rosenzweig</i>		Y		Y		Y
<i>Bennett Schoen</i>		Y		Y	X	Y
<i>Drakeford</i>		Y		Y		Y
<i>Reddin</i>	X	Y	X	Y		Y

Public Hearing Ordinance 10-03:

- Chris Ansley 165 West Street- Apt D.

**Public Comment on Agenda Items:**

- Curtis Caviness 41 E. Forest Avenue
- Phillip Vogel 318 Marlboro Road
- Elle Kelly 357 Shepard Avenue

Resolution authorizing extension of Professional Services Agreement re Mapping Services

**WHEREAS**, on April 11, 2007, the City Council adopted a resolution authorizing a contract for professional services with Remington & Vernick for outfall mapping services pertaining to Stormwater General Permit; and

**WHEREAS**, the funds authorized by this contract were not to exceed \$27,500; and

**WHEREAS**, the need for these professional services is ongoing;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood that the Professional Services Agreement heretofore referenced is hereby continued for outfall mapping services pertaining to the above referenced need for all services rendered at a total cost not to exceed an additional \$9,000.

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

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Rosenzweig</i>	X	X			
<i>Bennett Schoen</i>		X			
<i>Drakeford</i>				X	
<i>Reddin</i>		X			

Resolution appointing City Clerk

**WHEREAS**, Lenore Schiavelli has served as City Clerk for the past ten years and shall retire effective February 28, 2010; and

**WHEREAS**, the City has advertised for this position and interviewed candidates that are qualified to serve as City Clerk; and

**WHEREAS**, Lauren Vande Vaarst has served as the Deputy Passaic County Clerk and Borough Clerk of Jamesburg, New Jersey; and

**WHEREAS**, Ms. Vande Vaarst is a Registered Municipal Clerk in the State of New Jersey;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood that Lauren Vande Vaarst is hereby appointed to the position of City Clerk of the City of Englewood for a three year term, effective March 1, 2010, pursuant to NJSA 40A:9-133.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Rosenzweig</i>	X	X			
<i>Bennett Schoen</i>		X			
<i>Drakeford</i>				X	
<i>Reddin</i>		X			

Resolution appointing member of Green Team

**BE IT RESOLVED** by the Council of the City of Englewood that the following appointment pursuant to Ordinance 09-23 is hereby approved:

**GREEN TEAM**

Sabina Cardenas (Administration)

Three-year term commencing January 1, 2010 and expiring December 31, 2012.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Rosenzweig</i>	X	X			
<i>Bennett Schoen</i>		X			
<i>Drakeford</i>				X	
<i>Reddin</i>		X			

**Public Session:**

- Elle Kelly 357 Shepard Avenue
- Phillip Vogel 318 Marlboro Road
- Paulette Nardi - President, Englewood Volunteer Ambulance Corps
- William Fulmore 294 West Street
- Curtis Caviness 41 E. Forest Avenue
- Sondra Greenberg 449 Liberty Road
- Cornelia Rogers 141 Humphrey Street
- Chris Gagliardi 165 West Street- Apt D.
- Norman Gorlyn 150 Madison Avenue
- Rosemary Scott 315 Shepard Avenue
- Phillip Vogel 318 Marlboro Road

**Resolution to Permit the Council of the City of Englewood to enter into Closed Session**

**BE IT RESOLVED** by the Council of the City of Englewood, pursuant to the provisions of the Open Public Meetings Act, that the Council meet in closed session to discuss the following subject matter:

Litigation – ERA v. Englewood  
Englewood Terrace v. Englewood

Contract Negotiation – Town Center Parking Agreement

Which subject matter is permitted to be discussed in closed session pursuant to the following designated sub-section(s) of Section 7 of the Open Public Meetings Act:

- ( ) Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law.
- ( ) Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds.
- ( ) Sub-section 3 involving disclosure of material which would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved.
- ( ) Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions, and negotiations thereof.
- ( ) Sub-section 5 dealing with the acquisition of real property, the settling of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest.
- ( ) Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law.
- (X) Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege.
- ( ) Sub-section 8 dealing concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof.
- ( ) Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license.

**AND BE IT FURTHER RESOLVED** that, as precisely as can be determined at this time, the discussion conducted in the said closed session can be disclosed to the public upon taking final action thereon, provided disclosure shall not violate the attorney-client privilege or constitute an undue invasion of privacy; and

**BE IT FURTHER RESOLVED** that, although it is not envisioned that the Council will return to open session after this meeting, the Council reserves the right to do so upon conclusion of the closed session.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Rosenzweig</i>	X	X			
<i>Bennett Schoen</i>		X			
<i>Drakeford</i>		X			
<i>Reddin</i>		X			

**Council went into Closed Session at 10:45PM and returned to Open Session at 11:41PM**

**ADJOURN:** 11:42PM

Motion: Rosenzweig

All in Favor

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Lauren Vande Vaarst, RMC  
City Clerk