

**City of Englewood**  
**City Council Meeting Minutes**

**May 4, 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 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 Huttle III  
City Manager Daniel Fitzpatrick  
City Solicitor William Bailey  
City Clerk Lauren Vande Vaarst

**Employee Recognition Ceremony:** Recognizing employees of the City of Englewood for their long-time service and dedication to the City and its residents.

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.

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

1. Recodification of City Ordinances
2. Presentation by PSE&G regarding upgraded lighting for City Parking Garage
3. Agenda Review
4. Closed Session

Resolution #099-05-04-10

**RESOLUTION ACCEPTING MINUTES**

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

COUNCIL MEETING  
April 6, 2010

SPECIAL COUNCIL MEETINGS  
April 13, 2010  
April 28, 2010

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

RESOLUTION #100-05-04-10

**APPROVE 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 \$2,119,539.56.

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			

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

**Ordinances – First Reading:**

ORDINANCE #10-04

**PROPOSED RMI ZONE AMENDMENT TO THE CBD-3 DISTRICT**

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

ORDINANCE #10-07

**AN ORDINANCE AMENDING ORDINANCE NO.07-02 ENTITLED AN ORDINANCE OF THE CITY OF ENGLEWOOD, BERGEN COUNTY, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES TO MACKAY PARK IN AND FOR THE CITY OF ENGLEWOOD AND APPROPRIATING \$330,000 THEREFORE, AND PROVIDING FOR THE ISSUANCE OF \$314,285 IN BONDS OR NOTES OF THE CITY OF ENGLEWOOD TO FINANCE SAME**

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

ORDINANCE #10-08

**AN ORDINANCE AMENDING CHAPTER 18 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD PERTAINING TO HEALTH INSURANCE CONTRIBUTIONS AND THE HEALTH INSURANCE WAIVER PROGRAM**

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

ORDINANCE #10-09

AN ORDINANCE AMENDING CHAPTER 25, SECTION 25-18 SCHEDULE X  
OF THE TRAFFIC AND PARKING ORDINANCE  
OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD

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

ORDINANCE #10-10

ORDINANCE REAPPROPRIATING \$35,000 PROCEEDS OF OBLIGATIONS  
NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE  
FOR THE REFURBISHMENT OF FIRE APPARATUS FOR THE CITY OF  
ENGLEWOOD AND OTHER RELATED EXPENSES IN AND BY THE CITY OF  
ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY

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

**Public Comment on Agenda Items:**

- Howard Houghton 374 Miller Avenue; City should utilize local talent to redevelop the website

RESOLUTION # 101-05-04-10

**RESOLUTION APPROVING HEARING OFFICER**

**WHEREAS**, the City Administration requires the services of a licensed attorney to serve as the Hearing Officer for disciplinary charges that have been filed against a member of the Englewood Police Department.

**WHEREAS**, the City Manager has designated Edward Dunne, Esq. 410 Route 10 West, Ledgewood, NJ to serve as the Hearing Officer in this matter; and

**WHEREAS**, it is anticipated that the cost of these services will not exceed \$7,500 and the Chief Financial Officer has certified the availability of funds from the 2010 municipal budget; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes the execution of professional services contracts without public bidding; and

**WHEREAS**, Edward Dunne, Esq. shall complete a Business Entity Disclosure Statement prior to being retained.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, County of Bergen, State of New Jersey, that Edward Dunne, Esq. is hereby authorized to serve as Hearing Officer in the above matter.

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 # 102-05-04-10

**Rescind Previously Adopted Resolution Setting Minimum  
Staffing Levels for Englewood Police Department Road Patrols**

**WHEREAS**, the City Council of the City of Englewood, Bergen County, New Jersey, desires to rescind minimum staffing levels for Englewood Police Department Road Patrols as previously outlined in a Resolution adopted at

a public meeting of the City Council held on April 8, 2003; which set as a matter of practice, to have seven (7) sworn law enforcement officers of the Englewood Police Department on the road at all times;

**WHEREAS** the City Manager is recommending that the Chief of Police be given the authority to decide staffing levels of the road patrol,

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Englewood, in the County of Bergen, New Jersey that the Resolution of April 8, 2003 establishing minimum staffing levels for the road patrols is hereby rescinded.

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 # 103-05-04-10

**ratifying the Making of an Application to the Local Finance Board**

**WHEREAS**, the City Council of the City of Englewood (the "City"), in the County of Bergen, New Jersey, desires to make application to the Local Finance Board for its review, approval and consent of a non-conforming maturity schedule pursuant to N.J.S.A. 40A:2-26(e) in connection with the City's issuance of General Improvement Bonds to permanently finance various capital improvements;

**WHEREAS**, the City Council of the City of Englewood believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the City;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the City and will not create an undue financial burden to be placed upon the City; and
- (e) the limitations as to maturities or amounts of annual installments contained in the Local Bond Law will adversely affect the financial position of the City;

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

Section 1. The making of the application to the Local Finance Board is hereby ratified and approved, and all actions taken by the City's Auditor, Lerch, Vinci & Higgins, LLP and Bond Counsel, Gluck Walrath LLP, along with other representatives of the City, are hereby ratified and approved and all such parties are hereby authorized to represent the City in matters pertaining thereto.

Section 2. The Clerk of the City is hereby directed to prepare and file a copy of the proposed resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its approval as provided by the applicable New Jersey Statute.

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 #104-05-04-10

**AWARD PROFESSIONAL SERVICES CONTRACT TO PMK GROUP, INC. FOR ASBESTOS ABATEMENT PROJECT**

**WHEREAS**, the City of Englewood requires a qualified asbestos management consultant to conduct a complete asbestos identification survey to identify asbestos-containing materials; to provide engineering design and develop technical specifications and bidding documents for the asbestos abatement project to remove all asbestos containing materials in Englewood's City Hall; and

**WHEREAS**, on the recommendation of the City Engineer, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to PMK Group, Inc., a business

unit of Birdsell Services Group located at 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 Local Public Contracts Law (N.J.S.A. 40A: 1 1-1 et. seq.) authorizes the award of such professional services contracts without competitive bidding; and

**WHEREAS**, the City Manager has determined that the value of this contract will not exceed \$43,445 in the 2010 operating year for the following services; and

- Subsurface Investigation and Structural Design for pilings \$9,460
- Asbestos Survey for Second Floor, preparation of Abatement Specifications and Monitor its Removal \$18,485
- Asbestos Survey for the remainder of City Hall \$11,000
- Bulk Sampling and Testing \$4,500

**WHEREAS**, PMK Group, Inc. will complete and submit a Business Entity Disclosure Certification and a Political Contribution Disclosure Form certifying that the firm has not made or will make any reportable contributions that would bar the award of this contract under the provisions of N.J.S.A. 19:44A-1 et seq. and City of Englewood Ordinance No. 07-31; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available to award this contract and a copy of said certification is on file in the office of the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to PMK Group, Inc. to provide professional labor counsel services, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and PMK Group, Inc. to conduct a complete asbestos identification survey to identify asbestos-containing materials; to provide engineering design and develop technical specifications and bidding documents for the asbestos abatement project for Englewood's City Hall;

**BE IT FURTHER RESOLVED**, that a copy of the within resolution, together with a copy of the Agreement and that the Business Disclosure Entity Certification and the Determination of Value, be on file in the Office of the City Clerk and be available for public inspection during regular business hours; 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 available for public inspection 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 # 106-05-04-10

**A Resolution Establishing Temporary Capital Budget for the City of Englewood**

**WHEREAS** the City Council is introducing a Bond Ordinance Amendment to provide for improvements to City owned property; and

**WHEREAS** State law requires that any capital improvement must be included in the annual capital budget of the municipality and if it is not, then the capital improvement program must be amended to reflect this capital expenditure; and

**WHEREAS** the City has not yet adopted a Capital Budget for 2010 and consequently it is necessary to adopt a Temporary Capital Budget prior to the adoption of any Bond Ordinance or amendment in 2010.

**WHEREAS** the City Manager recommends that the following Capital Budget be adopted with this Capital Budget being supplemented when the final 2010 Annual Budget is established

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD**, County of Bergen, New Jersey that the recommendation of the City Manager is hereby accepted; and the following Capital Budget is hereby adopted:

CAPITAL BUDGET 2010 & 6 YEAR CAPITAL IMPROVEMENT PROGRAM

Project Title - Improvements to Block 3402, Lot 1

Estimated Total Cost \$40,000.00

Debt Authorized: \$40,000.00

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:**

- Chris Gagliardi 165 West Street- Apt D; Suggested Tax Free Shopping Days and stressed the need for Special Education programs in the Englewood Public Schools
- Aryeh Klahr, 90 S. Woodland Strreet; Supportive of the EPSD and send his child to the public schools
- Michael Passow, 296 Central Avenue; Former Member of Board of Education, now teaches in the EPSD and is concerned about the School Budget
- Blanca Diaz, 14 Mevan Avenue; Agreement with Tributary Woods Condo Association
- Monica Sanchez, 370 Greenleaf Avenue; Supportive of the EPSD, and is for a tax increase if it is for education
- Carol Feinstein, Co-President of Englewood Teachers Association; discussed newspaper ad and website endorsing defeat of School budget
- Anita Shemesh, Co-President of Englewood Teachers Association; spoke in support of the EPSD
- Kim Makowski, Kindergarten Teacher at Quarles School; started Mini MOMA art education program and concerned about continued funding for the program.
- Cornelia Rogers, 141 Humphrey Street; remarked on newspaper ad encouraging people to vote "no" on the school budget. Should be encouraging people to vote and not how to vote.
- Eugene Skurnick, 296 Marlboro Road; discussed 10.7% increase in taxes outlined in Municipal Budget, newspaper article on Police Department overtime, and EPSD Superintendent should have pushed for a salary freeze.
- Gabriel Bousbib, 296 Thornton Rd; Brought a chart tracking teacher salaries, educational spending per child and rate of inflation.
- Magalye Matos, 307 Rosemont Place; Mom, School Volunteer and Quarles School PTO President. Supportive of the EPSD and feels that the defeat of the Budget was a wakeup call for more transparency and accountability.
- Curtis Caviness 41 E. Forest Avenue; Feels that the spilt in town is getting worse and felt that the election results showed that the districts that send their children to the EPSD voted for the budget and those districts that do not send their children to the schools voted against it.
- Howard Haughton 374 Miller Avenue; a lack of trust exists and he has great concerns with the process regarding the defeated school budget. Feels that laypeople should be appointed to the Council's Budget sub-committee.
- Ebony Halligan, Student at Dwight Morrow HS; asked that school activities such as sports, music and clubs not be cut from the budget. Students need these things to keep them out of trouble and for their College resumes. Can public session be moved to the beginning of the council meetings?
- Leen Mosley, 115 W. Hudson Avenue; discussed newspaper ad regarding school budget
- Shirley Smith, 374 W. Palisade Avenue; feels that Englewood is going backwards and recalled marches of the 50's and 60's.
- Elle Kelly, 350 Shepard Avenue; discussed Recodification, attitude of City's first line staff, newspapers being distributed through the mail, 48 hour parking signs are confusing, and asked how many lawsuits is the City currently fighting.
- Lisa Levien, 81 E. Hamilton Avenue; there is \$2 million dollars being sequestered in the current school budget for a rainy day, and that they should spend it now. Quality of education is very important.
- Norman Gorlyn, 150 Madison Avenue; wants the Council to remember when looking at the budget that Social Security has gone down. Also the Council spent what they wanted for the past 3 years and now there is no more money.
- Carter Jackson, Teaneck resident; spoke about his wife who had recently retired from the City.

Resolution #107-05-04-10

**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 meets in closed session to discuss the following subject matter:

Litigation – ERA vs. Englewood  
 Englewood Terrace vs. Englewood  
 Realty Associates vs. Englewood

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			
<i>Bennett Schoen</i>	X	X			
<i>Drakeford</i>		X			
<i>Reddin</i>		X			

**Council went into Closed Session at 9:50PM and returned to Open Session at 10:05PM**

**ADJOURN: 10:07PM**

Motion: Bennett Schoen

All in Favor

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Lauren Vande Vaarst, RMC  
 City Clerk