

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

**June 1, 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

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. EMS Proposal, Borough of Leonia – Chief Robert Moran
2. Regulating the Standing or Parking of Idling Motor Vehicles
3. Ice Rink Bids
4. Bond Sale- Municipal Auditor
5. Establish Municipal Court Costs
6. Municipal Court Judge – Closed Session
7. Agenda Review
8. Closed Session

RESOLUTION #117-06-01-10

**RESOLUTION ACCEPTING MINUTES**

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

COUNCIL MEETING  
May 18, 2010

SPECIAL COUNCIL MEETING  
May 25, 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			

**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 \$652,375.26.

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 #10-11

**AN ORDINANCE AUTHORIZING A PAYMENT IN LIEU OF TAXES THROUGH UTILIZATION OF THE FIVE YEAR EXEMPTION AND ABATEMENT LAW (N.J.S.A. 40A:21-1 et. seq.) WITHIN THE AREA DESIGNATED AS THE PALISADE SOUTH REDEVELOPMENT PROJECT AREA**

**WHEREAS**, the City of Englewood, by resolution, did designate certain areas of the City known as the West Street Renewal Area and Armory Street Renewal Area to be areas in need of redevelopment; and

**WHEREAS**, by ordinance no. 01-18, dated November 27, 2001, the governing body of the City of Englewood did subsequently adopt a redevelopment plan for the specific portion of the West Street Renewal Area and Armory Street Renewal Area designated as the Palisade South Redevelopment Project Area; and

**WHEREAS**, based on such designation, the City Council may adopt pursuant to N.J.S.A. 40A:21-2., the Five-Year Exemption and Abatement Law, an Ordinance to utilize the authority granted under Article VIII, Section I, paragraph 6 of the New Jersey Constitution, setting forth the eligibility or noneligibility of dwellings, multiple dwellings, or commercial and industrial structures, or all of these, for exemptions or abatements, or both under the Five-Year Exemption and Abatement Law; and

**WHEREAS**, the City desires to provide for the approval of certain Tax Exemptions and Abatements by ordinance of the governing body, on a case by case basis.

**NOW THEREFORE** be it ordained by the Council of the City of Englewood, County of Bergen, State of New Jersey, as follows:

**Section 1. Authorization:**

The City of Englewood hereby authorizes the utilization of tax exemption and abatement in accordance with Article VIII, Section I, paragraph 6, of the New Jersey Constitution and establishes the eligibility of multiple dwellings and improvements to same for **five-year tax** exemptions and abatements to the maximum degree permitted by N.J.S.A. 40A:21-1 et seq., within that specific portion of the West Street Renewal Area and Armory Street Renewal Area designated as the Palisade South Redevelopment Project Area on the date of passage of this Ordinance, or that thereafter may become eligible.

**Section 2. Definitions:**

As used in this article, the following terms shall have the meanings indicated:

"Abatement" means that portion of the assessed value of a property as it existed prior to construction, improvement or conversion of a building or structure thereon, which is exempted from taxation pursuant to this act.

"Administrator" – The City Manager of the City of Englewood.

"Area in need of rehabilitation" means a portion or all of a municipality which has been determined to be an area in need of rehabilitation or redevelopment pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c. 79 (C. 40A:12A-1 et al.), a "blighted area" as determined pursuant to the "Blighted Areas Act," P.L.1949, c. 187 (C. 40:55-21.1 et seq.), or which has been determined to be in need of rehabilitation pursuant to P.L.1975, c. 104 (C. 54:4-3.72 et seq.), P.L.1977, c. 12 (C. 54:4-3.95 et seq.), or P.L.1979, c. 233 (C. 54:4-3.121 et seq.).

"Assessor" means the officer of a taxing district charged with the duty of assessing real property for the purpose of general taxation.

"Commercial or industrial structure" means a structure or part thereof used for the manufacturing, processing or assembling of material or manufactured products, or for research, office, industrial, commercial, retail, recreational, hotel or motel facilities, or warehousing purposes, or for any combination thereof, which the governing body determines will tend to maintain or provide gainful employment within the municipality, assist in the economic development of the municipality, maintain or increase the tax base of the municipality and maintain or diversify and expand commerce within the municipality. It shall not include any structure or part thereof used or to be used by any business relocated from another qualifying municipality unless: the total square footage of the floor area of the structure or part thereof used or to be used by the business at the new site together with the total square footage of the land used or to be used by the business at the new site exceeds the total square footage of that utilized by the business at its current site of operations by at least 10%; and the property that the business is relocating to has been the subject of a remedial action plan costing in excess of \$ 250,000 performed pursuant to an administrative consent order entered into pursuant to authority vested in the Commissioner of Environmental Protection under P.L.1970. c. 33 (C. 13:1D-1 et seq.), the "Water Pollution Control Act," P.L.1977, c. 74 (C. 58:10A-1 et seq.), the "Solid Waste Management Act," P.L.1970, c. 39 (C. 13:1E-1 et seq.), and the "Spill Compensation and Control Act," P.L.1976, c. 141 (C. 58:10-23.11 et seq.).

"Completion" means substantially ready for the intended use for which a building or structure is constructed, improved or converted.

"Condominium" means a property created or recorded as a condominium pursuant to the "Condominium Act," P.L.1969, c. 257 (C. 46:8B-1 et seq.).

"Construction" means the provision of a new dwelling, multiple dwelling or commercial or industrial structure, or the enlargement of the volume of an existing multiple dwelling or commercial or industrial structure by more than 30%, but shall not mean the conversion of an existing building or structure to another use.

"Conversion" or "Conversion Alteration" means the alteration or renovation of a nonresidential building or structure, or hotel, motel, motor hotel or guesthouse, in such manner as to convert the building or structure from its previous use to use as a dwelling or multiple dwelling.

"Cooperative" means a housing corporation or association, wherein the holder of a share or membership interest thereof is entitled to possess and occupy for dwelling purposes a house, apartment, or other unit of housing owned by the corporation or association, or to purchase a unit of housing owned by the corporation or association.

"Cost" means, when used with respect to abatements for dwellings or multiple dwellings, only the cost or fair market value of direct labor and materials used in improving a multiple dwelling, or of converting another building or structure to a multiple dwelling, or of constructing a dwelling, or of converting another building or structure to a dwelling, including any architectural, engineering, and contractor's fees associated therewith, as the owner of the property shall cause to be certified to the governing body by an independent and qualified architect, following the completion of the project.

"Dwelling" means a building or part of a building used, to be used or held for use as a home or residence, including accessory buildings located on the same premises, together with the land upon which such building or buildings are erected and which may be necessary for the fair enjoyment thereof, but shall not mean any building or part of a building, defined as a "multiple dwelling" pursuant to the "Hotel and Multiple Dwelling Law," P.L.1967, c. 76 (C. 55:13A-1 et seq.). A dwelling shall include, as they are separately conveyed to individual owners, individual residences within a cooperative, if purchased separately by the occupants thereof, and individual residences within a horizontal property regime or a condominium, but shall not include "general common elements" or "common elements" of such horizontal property regime or condominium as defined pursuant to the "Horizontal Property Act," P.L.1963, c. 168 (C. 46:8A-1 et seq.), or the "Condominium Act," P.L.1969, c. 257 (C. 46:8B-1 et seq.), or of a cooperative, if the residential units are owned separately.

"Exemption" means that portion of the assessor's full and true value of any improvement, conversion alteration, or construction not regarded as increasing the taxable value of a property pursuant to this act.

"Horizontal property regime" means a property submitted to a horizontal property regime pursuant to the "Horizontal Property Act," P.L.1963, c. 168 (C. 46:8A-1 et seq.).

"Improvement" means a modernization, rehabilitation, renovation, alteration or repair which produces a physical change in an existing building or structure that improves the safety, sanitation, decency or attractiveness of the building or structure as a place for human habitation or work, and which does not change its permitted use. In the case of a multiple dwelling, it includes only improvements which affect common areas or elements, or three or more dwelling units within the multiple dwelling. In the case of a multiple dwelling or commercial or industrial structure, it shall not include ordinary painting, repairs and replacement of maintenance items, or an enlargement of the volume of an existing structure by more than 30%. In no case shall it include the repair of fire or other damage to a property for which payment of a claim was received by any person from an insurance company at any time during the three year period immediately preceding the filing of an application pursuant to this act.

"Multiple dwelling" means a building or structure meeting the definition of "multiple dwelling" set forth in the "Hotel and Multiple Dwelling Law," P.L.1967, c. 76 (C. 55:13A-1 et seq.), and means for the purpose of Improvement or Construction the "general common elements" and "common elements" of a condominium, a cooperative, or a horizontal property regime.

### **Section 3. New Construction of multiple dwellings by tax agreement.**

A. New Construction of multiple dwellings is eligible for tax exemption for a period of five years. This exemption may only be approved upon the filing of a formal application pursuant to Section 5, by ordinance of the City Council and memorialized through the execution of a tax agreement setting forth the conditions of the abatement and/or exemption. .

### **Section 4. Improvements to multiple dwellings.**

A. Improvements to multiple dwellings are eligible for tax exemption for a period of five years. This exemption is subject to the approval of the Administrator and the Tax Assessor.

B. Upon approval, the City, in determining value, shall regard up to thirty percent (30%) of the Assessor's full and true value of the as not increasing the value of the property for a period of five years.

C. This exemption is to be granted notwithstanding that the value of the property to which the Improvements are made is increased thereby. During the exemption period, the assessment on the property shall not be less than the assessment existing thereon immediately prior to the Improvement, unless there is damage to the multiple dwelling through action of the elements sufficient to warrant a reduction.

### **Section 5. Application Process**

A. All applicants for tax exemption and abatement pursuant to Section 3 of this Ordinance shall provide the Administrator on behalf of the City Council with ten (10) copies of an application conforming to an application form adopted by the Administrator setting forth the following information:

- (1) A general description of a project for which exemption is sought;
- (2) A legal description of all real estate necessary for the project;
- (3) Plans, drawings and other documents as may be required by the City Council to demonstrate the structure and design of the project;
- (4) A description of the number, classes and type of employees to be employed at the project site within two years of completion of the project;
- (5) A statement of the reasons for seeking tax exemption on the project and a description of the benefits to be realized by the applicant if a tax agreement is granted;
- (6) A Good Faith estimate of the cost of completing such project, together with the expected method or plan of financing the improvements;
- (7) A construction schedule;
- (8) A statement showing the real property taxes currently being assessed at the project site; estimated tax payments that would be made annually by the applicant on the project during the period of the tax agreement; and estimated tax payments that would be made by the applicant on the project during the first full year following the termination or expiration of the tax agreement;

(9) If the project is a Commercial or Industrial Structure, a description of any lease agreement between the applicant and proposed users of the project and a history and description of the users' businesses;

(10) If the project is a multiple dwelling, a description of the number and type of dwelling units to be provided, a description of the common elements or general common elements and a statement of the proposed initial rentals or sales prices of the dwelling units according to type and of any rental lease or resale restrictions to apply to the dwelling units respecting low- or moderate-income housing;

(11) A disclosure statement of the interests of all parties, including subsidiary companies, in the project;

(12) Such other pertinent information as the Administrator and City Council may require on a case-by-case basis; and

(13) The owner shall sign the application and certify as to the truth and accuracy of the contents thereof.

B. Each application received pursuant to Section 3 shall be reviewed, in the first instance, by the Administrator and Tax Assessor and thereafter referred to the City Council with a recommendation as to whether the application should be granted, denied, or granted with conditions. In the case of applications for exemptions or abatements pursuant to Section 4, each such application shall be reviewed and approved by the Administrator and the Tax Assessor.

#### **Section 6. Formula for Payments under Tax Agreements**

The owner receiving an exemption or abatement under Section 3 shall enter into a written agreement with the City, to make payments-in-lieu-of taxes on both the project improvements and underlying land in accordance with the following schedule:

Tax phase-in basis: the agreement may provide for the applicant to pay to the City in lieu of full property tax payments on both the real property improvements constructed in connection with the Project and the underlying land in an amount equal to a percentage of taxes otherwise due, according to the following schedule:

(1) In the first full tax year after completion, no payment in lieu of taxes otherwise due. Land and improvements are exempt.

(2) In the second tax year, an amount not less than twenty percent (20%) of taxes otherwise due. Land and improvements are exempt.

(3) In the third tax year, an amount not less than forty percent (40%) of taxes otherwise due. Land and improvements are exempt.

(4) In the fourth tax year, an amount not less than sixty percent (60%) of taxes otherwise due. Land and improvements are exempt.

(5) In the fifth tax year, an amount not less than eighty percent (80%) of taxes otherwise due. Land and improvements are exempt.

The agreement shall provide that the payment-in-lieu-of-taxes shall be billed and collected in the same manner as any conventional taxes, and any arrearages shall accrue at that rate of interest charged for delinquent real estate taxes.

The Tax Collector shall be responsible for the administration and enforcement of the tax agreement. In the event that a property owner subject to a tax agreement ceases to operate or disposes of the property or fails to meet the conditions for qualifying for the exemption, the local property taxes due for all the prior years subject to exemption and for the current year shall be payable as if no exemption had been granted. The Tax Collector shall notify the property owner and the City Council within fifteen (15) days of the date of disqualification of the amount of taxes due. In the event that the subject property has been transferred to a new owner and it is determined that the new owner will continue to use the property pursuant to the qualifying conditions, no additional tax shall be due, the exemption shall continue and the agreement shall remain in effect.

#### **Section 7. Notice**

The Municipal Clerk shall forward a copy of all tax exemption agreements to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of the date of execution.

#### **Section 8. General Requirements.**

A. Every applicant for tax exemption, including a tax exemption subject to a tax agreement, shall file in addition to the separate application described in Section 8 above that form of application prescribed by the Director of

the New Jersey Division of Taxation in the Department of Treasury with the Tax Assessor. As a condition to approval, the application must be filed within thirty (30) days, including Saturdays and Sundays, following the completion of the Improvement, Conversion or Construction. Every application for exemption, including those projects which must also receive the approval of the City Council, so filed, shall be approved and allowed by the Assessor to the degree that the application is consistent with the provisions of this article; that is, the Improvement, Conversion Alteration or Construction for which the application is made must qualify pursuant to the provisions of the law and this article. The applicant shall submit data in support of the application as the Assessor or City shall require.

B. The granting of an exemption and, if appropriate, tax agreement, shall be recorded and made a permanent part of the official tax records of the taxing district, which record shall contain a notice of the termination date thereof.

C. No exemptions shall be granted for any property for which property taxes or any other Municipal Charges, including interest, are delinquent or remain unpaid or for which penalties for nonpayment are due.

D. All taxes and other Municipal Charges must be paid timely and in full during the term of the exemption. The failure to timely pay any tax or other Municipal Charge, including land tax, shall permit the Tax Collector to terminate the tax exemption and subject the property to full taxation.

E. All agreements entered into by the City pursuant to this Ordinance shall be in effect for no more than the five full years next following the date of completion of the project.

F. The Applicant/owner shall fully cooperate with the City as to any audit of the value of the New Construction, and provide all information requested by the City sought in furtherance of any such audit.

G. All projects subject to tax agreement as provided herein shall be subject to all applicable federal, State and local laws and regulations on pollution control, worker safety, discrimination in employment, housing provision, zoning, planning and building code requirements.

H. Nothing herein shall be construed as to confer permit an abatement or exemption as to the land underlying a project for which an exemption or abatement has been granted pursuant to this Ordinance.

**Section 9.           Notice to Taxpayers**

The City shall include the appropriate notice of this Ordinance in the mailing of annual property tax bills to each owner of a dwelling located in an area in which exemptions, or exemptions and abatements, may be allowed pursuant to this ordinance during the first year following adoption of this Ordinance.

**Section 10.         Annual Report**

The City Council shall report, on or before October 1 of each year, to the Director of the Division of Local Government Services in the Department of Community Affairs and to the Director of the Division of Taxation in the Department of the Treasury the total amount of real property taxes exempted and the total amount abated within the municipality in the current tax year for each of the following:

- a. Improvements of dwellings;
- b. Construction of dwellings;
- c. Improvements and Conversions of multiple dwellings;
- d. Improvements of commercial or industrial structures;
- e. Construction of multiple dwellings under tax agreements; and
- f. Construction of commercial or industrial structures under tax agreements.

In the case of e. and f. above, the report shall state instead the total amount of payments made in lieu of taxes according to each formula utilized by the municipality, and the difference between that total amount and the total amount of real property taxes which would have been paid on the project had the tax agreement not been in effect, for the current tax year.

**Section 11.         Severability**

If any provision of this Ordinance shall be judicially declared to be invalid or unenforceable, the remainder of this Ordinance shall, other than those provisions held invalid or unenforceable, not be affected thereby, and each provision of this Ordinance shall be valid and be enforced to the fullest extent permitted by law.

**Section 12. Effective Date**

This ordinance shall take effect at the time and in the manner provided by law.

**Section 13. Expiration (Sunset Provision)**

No application for tax exemption or abatement shall be filed for an exemption or abatement to take initial effect for the tax year commencing 2021 or any tax year thereafter, unless this ordinance is readopted by the City Council in accordance with N.J.S.A. 40A:21-4.

**Section 14. Repealer**

All ordinances, and parts of ordinance inconsistent herewith are hereby repealed.

**Section 15. Code Provisions**

- A. This Ordinance shall be a part of the Code of the City of Englewood as though codified and fully set forth therein. The Municipal Clerk shall have this Ordinance codified and incorporated in the Official copies of the Jersey City Code.
- B. The Municipal Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

FIRST READING DATE: 06/01/2010

COUNCIL	MOTION	VOTE
Algrant	X	Y
Rosenzweig		Y
Bennett Schoen		Y
Drakeford		AB
Reddin		Y

ORDINANCE #10-12

AN ORDINANCE AMENDING AN ORDINANCE ESTABLISHING FEES FOR LICENSES, PERMITS AND OTHER APPLICATIONS WITHIN THE CITY OF ENGLEWOOD

**WHEREAS**, the Ordinance Establishing Fees For Licenses, Permits and Other Applications within the City of Englewood was last amended by Ordinance No. 10-02; and

**WHEREAS**, the Municipal Court charges \$6 in court costs for contested cases involving violations of the City Code, which amount has not been increased for an undetermined period of time; and

**WHEREAS**, additional expenses, such as overtime, are incurred in contested cases warranting an increase in the amount of court costs to be assessed.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Englewood as follows:

Section 1. Ordinance No 10-02 is further amended to add to the Municipal Court section the following:

**MUNICIPAL COURT**

Costs for contested cases \$25.00

**Section 2.** All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

**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.** This ordinance shall take effect upon final passage and publication according to the law.

FIRST READING DATE: 06/01/2010

COUNCIL	MOTION	VOTE
Algrant		Y
Rosenzweig		Y
Bennett Schoen		Y
Drakeford		Y
Reddin	X	Y

ORDINANCE #10-13

AN ORDINANCE AMENDING ORDINANCE NO. 03-19 OF THE CITY OF ENGLEWOOD ENTITLED "AN ORDINANCE AUTHORIZING CERTAIN ROADWAY IMPROVEMENTS AS LOCAL IMPROVEMENTS AND SPECIALLY ASSESSING THE BENEFITS DERIVED THEREFROM UP TO THE COST THEREOF, UPON PROPERTIES SPECIALLY BENEFITTING THEREBY", AS PREVIOUSLY AMENDED BY ORDINANCE 04-19 AND ORDINANCE NO. 05-19

**WHEREAS**, Ordinance No. 03-19, as amended by Ordinance No. 04-19 and Ordinance No. 05-19 authorized improvements along the Route 4 corridor in the vicinity of Sheffield Avenue, Nordhoff Place and South Van Brunt Street to be undertaken as a local improvement with the benefits thereof to be specially assessed against the properties specially benefitted thereby; and

**WHEREAS**, this Ordinance established a Board of Local Improvements for the City of Englewood to perform duties set forth in N.J.S.A 40:56-1 et seq. as they relates to assessing the benefits resulting from these improvements; and

**WHEREAS**, Ordinance No. 03-19 established a seven (7) member Board of Local Improvements and the City Council wishes to reduce the size of the Board to five (5) members in order to move forward with their required work.

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

**Section 1. Section 3A. of Ordinance No. 03-19** is hereby amended to read as follows:

- A. There is hereby established a Board of Local Improvements for the City of Englewood, which shall consist of five (5) members appointed by the City Council meeting the following qualifications:
  - 1. All such members shall be residents of the City of Englewood and at least 18 years of age.
  - 2. No member shall own or have any interest in property which may be specially assessed pursuant to this ordinance.

**Section 2.** All ordinances or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**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.** This ordinance shall take effect, upon final passage and publication according to the law.

FIRST READING DATE: 06/01/2010

COUNCIL	MOTION	VOTE
Algrant		Y
Rosenzweig		Y
Bennett Schoen		Y
Drakeford		Y
Reddin	X	Y

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

The following ordinances were approved on first reading at the meeting of the Mayor and Council held on May 4, 2010, and published in the May 6, 2010 edition of the Press Journal. Copies have been available to the public since introduction in the Office of the City Clerk.

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

**WHEREAS**, Chapter 25, Section 25-18 Schedule X restricts parking on certain streets within the City of Englewood; and

**WHEREAS**, the Governing Body of the City of Englewood wishes to amend the aforesaid Section to modify limitations on parking at designated areas.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Englewood, Bergen County, New Jersey, that Chapter 25-18, Schedule X is hereby amended as follows:

Parking shall be permitted on Huguenot Avenue South 212 feet from the existing eastern most boundary to Starling Road. Huguenot Avenue South subpart b which reads "from the westerly curb line of Starling Road to a point 210 feet westerly thereof" is thereby amended and eliminated.

**NOW, THEREFORE, BE IT FURTHER ORDAINED** that Schedule X as it pertains to Huguenot Avenue North is further amended as follows:

No parking shall be permitted 390 feet from the corner of Broad Avenue.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

FIRST READING DATE: 05/04/2010

COUNCIL	MOTION	VOTE
Algrant		Y
Rosenzweig		Y
Bennett Schoen		Y
Drakeford		Y
Reddin	X	Y

DATE PUBLISHED IN THE PRESS JOURNAL: MAY 6, 2010

DATES PUBLIC HEARINGS HELD: MAY 18, 2010 and JUNE 1, 2010

DATE SECOND READING HELD: JUNE 1, 2010

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant		Y		Y		Y
Rosenzweig		Y		Y		A
Bennett Schoen		Y		Y		Y
Drakeford		Y		Y		Y
Reddin	X	Y	X	Y	X	Y

**Public Hearing Ordinance 10-09:**

- Scott Herschmann 102 Huguenot Avenue
- Denise Bray 100 Huguenot Ave, Apt 7A
- Nadia Hermos 100 Huguenot Ave, Apt 6B
- Therese Rembecky 100 Huguenot Ave, Apt 2B

**Public Comment on Agenda Items:**

- Eugene Skurnick, 296 Marlboro Road

RESOLUTION #119-06-01-10

**RENEWAL OF LIQUOR LICENSES FOR 2010-2011**

*Postponed to the meeting of June 22, 2010*

RESOLUTION #120-06-01-10

**DESIGNATE THE MACKAY PARK BASKETBALL COURTS  
THE "SHERMAN WHITE BASKETBALL COURTS"**

**WHEREAS**, the Mackay Park Legacy Committee, an Englewood based community organization consisting of current and former longtime Englewood residents whose mission is to preserve, promote and pass on the legacy of notable Englewood residents, request that the City Council of the City of Englewood recognize Mr. Sherman White for his monumental contributions to the game of basketball; and

**WHEREAS**, Sherman White developed his game at Mackay Park and was a star player on both the Lincoln Junior High School Championship team and the Dwight Morrow High School basketball team's only undefeated season,

and received All-American honors as a high school and college athlete. During his college career Mr. White led the nation in scoring with a 27.7 average; and

**WHEREAS**, for more than 40 years Sherman White has unselfishly volunteered his time to teach the fundamentals of basketball to hundreds of Englewood youths;

**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 have the appropriate signage placed at the Mackay Park Basketball Courts designating them as the "Sherman White Basketball Courts".

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 #121-06-01-10

**AUTHORIZE CALVARY CARES COMMUNITY DEVELOPMENT CORPORATION, INC.  
APPLICATION FOR BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

**WHEREAS**, a Bergen County Community Development Block Grant of \$26,176 has been proposed by Calvary Cares Community Development Corporation, Inc. of Englewood for Smart Kids After School Program, in the City of Englewood; and

**WHEREAS**, pursuant to the State of New Jersey's Interlocal Services Act, Community Development Block Grant funds may not be spent in a municipality without the authorization of the governing body; 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 of Englewood and is intended solely to expedite the expenditure of the aforesaid Community Development Block Grant funds;

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

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 #122-06-01-10

**APPOINT COUNCIL REPRESENTATIVES TO MUNICIPAL ALLIANCE COMMITTEE**

**WHEREAS**, the City Council of the City of Englewood has heretofore created and established within the City of Englewood a Municipal Alliance Committee for the Prevention of Alcoholism and Drug Abuse (hereinafter referred to as the "Alliance Committee") pursuant to Ordinance No. 90-18; and

**WHEREAS**, pursuant to Ordinance No. 90-18, the Alliance Committee shall consist of up to fifteen members appointed by the City Council;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, New Jersey, that Lynn Algrant is hereby appointed as the City Council Representative on the Municipal Alliance Committee to fill the unexpired term of Gordon Johnson, which expires on December 31, 2011 and Councilman Scott Reddin is hereby appointed as the Alternate City Council Representative on the Municipal Alliance Committee for a term to expire December 31, 2011.

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 #123-06-01-10

**APPROVAL OF EXTENSION OF WATER DISTRIBUTION SYSTEM**

**WHEREAS**, the following described extension to the distribution system of United Water New Jersey has been applied for:

Install 835 ± feet of 8 inch ductile iron pipe in Nordhoff Place, Englewood, NJ

**WHEREAS**, the City of Englewood has requested that the two (2) additional hydrants be installed; and

**WHEREAS**, the applicant, Peter Hekemian of Englewood Redevelopment, has presented United Water New Jersey with an application of extension to its distributing system running as described above and consisting of installing the following:

Install 835 ± feet of 8 inch ductile iron pipe in Nordhoff Place, Englewood, NJ

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, New Jersey, that the said extension is made and the same hereby is approved.

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 #124-06-01-10

**RESOLUTION OF THE CITY OF ENGLEWOOD PROVIDING FOR AN ISSUE OF GENERAL IMPROVEMENT BONDS, AUTHORIZING THE SALE OF \$4,365,000 PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT BONDS, SERIES 2010, AUTHORIZING ADVERTISEMENT OF A NOTICE OF SALE; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO SELL AND AWARD THE BONDS; DETERMINING THE FORM AND OTHER DETAILS OF THE BONDS; AND AUTHORIZING OTHER MATTERS RELATING THERETO.**

**WHEREAS**, the City of Englewood, in the County of Bergen, New Jersey (the "City") has adopted the Bond Ordinances listed on the attached Appendix A (collectively, the "Bond Ordinances") authorizing the issuance of obligations of the City for the purpose of financing the general improvements described in the Bond Ordinances; and

**WHEREAS**, the City Council has determined to finance permanently a portion of the costs of the general improvement projects undertaken pursuant to the Bond Ordinances by the issuance of \$4,365,000 principal amount of general improvement bonds of the City; and

**WHEREAS**, the City Council has determined to proceed with the public sale of said bonds for the purposes authorized in the Bond Ordinances.

**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.** General Improvement Bonds, Series 2010, Authorization of Sale. The principal amount of general improvement bonds authorized to be issued pursuant to the Bond Ordinances described in Appendix A hereto shall be issued as "General Improvement Bonds, Series 2010", in the aggregate principal amount of \$4,365,000 (the "Bonds"), and are authorized to be sold in accordance with the terms of this Resolution.

The average period of usefulness for the general improvements financed by the Series A Bonds is 20 years.

**Section 2.** Public Sale of Bonds. The Bonds shall be issued and sold on a combined basis at a public sale upon electronic bids, in accordance with Section 8 hereof and the provisions of the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented.

**Section 3.** Description of the Bonds. The Bonds shall be dated the date of delivery, shall be in book-entry only form, shall bear interest at the rate or rates specified by the successful bidder therefore in accordance with the Notice of Sale hereinafter provided for, said interest to be payable on August 15 and February 15, commencing on February 15, 2011 and shall mature (unless aggregated into term bonds pursuant to Section 10 hereof), on August 15 in the following years and amounts:

<u>Year</u>	<u>Principal Amount</u>
2011	\$ 155,000
2012	155,000
2013	160,000
2014	165,000
2015	170,000
2016	175,000
2017	185,000
2018	190,000
2019	200,000
2020	205,000
2021	215,000
2022	225,000
2023	235,000
2024	245,000
2025	255,000
2026	265,000
2027	275,000
2028	285,000
2029	295,000
2030	310,000

The Bonds shall contain such other terms and conditions as are specified in the Notice of Sale, approved in Section 5 hereof (the "Notice of Sale"), and in the form of the Bonds, approved in Section 12 hereof.

**Section 4.** Redemption.

(A) The Bonds maturing prior to August 15, 2021 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after August 15, 2021 are subject to redemption, at the option of the City, prior to their stated maturity and upon notice as hereinafter provided, at any time on or after August 15, 2020, in whole or part from such maturities as the City shall determine and by lot within a single maturity, at the redemption price of 100% of the principal amount to be redeemed together with unpaid interest accrued to the redemption date.

(B) In the event the winning bidder elects to aggregate consecutive principal maturities of the Bonds into one or more term bonds, then each such term bond shall be subject to mandatory sinking fund redemption prior to maturity, in part, on the dates and in the amounts specified in the Notice of Sale for such aggregated consecutive principal maturities (other than the final such maturity), at a redemption price equal to 100% of the principal amount to be redeemed, plus accrued interest thereon to the date fixed for redemption.

(C) Any Bond subject to redemption as aforesaid may be called in part, provided that the portion not called for redemption shall be in the principal amount of \$1,000 or any integral multiple thereof. If less than all of the Bonds of a particular maturity are to be redeemed, Bonds of that maturity shall be selected by the Chief Financial Officer (or, if appointed pursuant to Section 14 hereof, the Paying Agent) by lot.

When any Bonds are to be redeemed, the Chief Financial Officer (or, if appointed by Section 14 hereof, the Paying Agent) shall give notice of the redemption of the Bonds by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of any Bonds or portions thereof which are to be redeemed not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such Bonds at their respective addresses as they last appear on the registration books of the City. Notice of redemption having been given as aforesaid, the Bonds, or portions thereof so to be redeemed, shall, on the date fixed for redemption, become due and payable at the redemption price specified therein plus accrued interest to the redemption date and, upon presentation and surrender thereof at the place specified in such notice, such Bonds, or portions thereof, shall be paid at the redemption price, plus accrued interest to the redemption date. On and after the redemption date (unless the City shall default in the payment of the redemption price and accrued interest), such Bonds shall no longer be considered as outstanding.

During any period in which The Depository Trust Company (or any successor thereto) shall act as securities depository for the Bonds of any series, the notices referred to above shall be given only to such depository and not to the beneficial owners of the Bonds of such series. Any failure of such depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings.

**Section 5.** Approval of Notice of Sale. The Notice of Sale containing other terms and provisions of the Bonds and setting forth the conditions of the sale thereof, all of which are hereby approved, shall be substantially in the form attached to this Resolution as Appendix B and made a part hereof.

**Section 6.** Approval of Summary Notice of Sale. The Summary Notice of Sale containing other terms and provisions of the Bonds and setting forth the conditions of the sale thereof, all of which are hereby approved, shall be substantially in the form attached to this Resolution as Appendix C made a part hereof.

**Section 7.** Publication of Notice of Sale and Summary Notice of Sale. The Notice of Sale substantially in the form attached to this Resolution shall be published at least once in The Press Journal, a newspaper circulating in the City, and the Summary Notice of Sale substantially in the form attached to this Resolution shall be published at least once in The Bond Buyer, and/or such other nationally recognized local government bond marketing publication or electronic information service carrying municipal bond notices and devoted primarily to the subject of state and municipal bonds. The advertisement of said Notice of Sale and Summary Notice of Sale in each such medium shall be published not less than seven (7) days prior to the sale date for the Bonds. The City Clerk, the Chief Financial Officer and such other appropriate officials are hereby authorized and directed to publish the Notice of Sale and Summary Notice of Sale as aforesaid.

**Section 8.** Designation of Chief Financial Officer to Award Bonds. Electronic proposals for the purchase of the Bonds shall be received by the Chief Financial Officer on such date as shall be determined by the Chief Financial Officer and set forth in the Notice of Sale and the Summary Notice of Sale, or such later date as may be established by the Chief Financial Officer in accordance with Section 9 hereof. Electronic proposals will be received through the "PARITY Electronic Bid System" (PARITY) in accordance with the terms and conditions set forth in the Notice of Sale authorized herein. Such proposals shall be received and announced in accordance with the Notice of Sale authorized herein. The City Council hereby designates the Chief Financial Officer to sell and award the Bonds in accordance with this Resolution and the Notice of Sale. The Chief Financial Officer is hereby directed to report, in writing, to the City at its first meeting after the sale of the Bonds as to the principal amount, interest rate and maturities of the Bonds sold, the price obtained and the name of the purchaser.

**Section 9.** Postponement of Sale. The Chief Financial Officer is hereby delegated the authority (if the Chief Financial Officer deems it to be in the best interests of the City) (i) to postpone from time to time the sale of the Bonds from the date specified in the Notice of Sale (or, in the case of a rescheduled sale, from such rescheduled date), in each case upon not less than 24 hours' notice (to the extent practicable), and (ii) to reschedule such sale upon not less than 48 hours' notice. Notice of any such postponement and rescheduling shall be given in the manner specified in the Notice of Sale. In the event of any such postponement and rescheduling, the Chief Financial Officer may (and shall, if required by the Local Bond Law) cause a revised Notice of Sale and a revised Summary Notice of Sale to be prepared and published.

**Section 10.** Term Bond Option. As provided in the Notice of Sale, bidders may aggregate consecutive principal maturities of any of the Bonds for which such bidder bid the same interest rate into one or more term bonds of such series. The Chief Financial Officer is hereby delegated the authority (if the Chief Financial Officer deems it to be in the best interests of the City) to include such option in any revised Notice of Sale prepared pursuant to Section 9 hereof. In the event the winning bidder elects such option, the provisions of Section 4(B) hereof shall be applicable thereto, and the Paying Agent appointed under Section 14 hereof shall, from time to time and, without further direction by the City, give all notices of mandatory sinking fund redemption as may be required under Section 4 hereof in connection therewith.

**Section 11.** Authorization for Official Statement. The proper City officials and advisors are hereby authorized to prepare and distribute to the prospective purchasers (including through internet web posting or other electronic dissemination) of the Bonds a Preliminary Official Statement and a final Official Statement containing information relating to the City, its financial condition and the terms of the Bonds and other material facts customarily included in official statements for general obligation bonds in the State of New Jersey. The Chief Financial Officer is hereby authorized to deem final the Preliminary Official Statement for purposes of Rule 15c2-12 of the Securities and Exchange Commission.

**Section 12.** Approval of Form of Bonds. The form of the Bonds, substantially as set forth in Appendix D attached hereto and made a part hereof, is hereby approved. The Bonds shall be executed in the name of the City by the manual or facsimile signature of the City Manager and the Chief Financial Officer and the seal of the City, or a facsimile impression thereof, shall be affixed to the Bonds and attested by the manual signature of the City Clerk.

**Section 13.** Appointment of Securities Depository. The Depository Trust Company, New York, New York ("DTC"), shall act as securities depository for the Bonds. The ownership of one fully registered bond for each maturity of the Bonds, each in the aggregate principal amount of such maturity, will be registered in the name of Cede & Co., as nominee for DTC.

Pursuant to the book-entry only system, any person for whom a DTC Participant acquires an interest in the Bonds (the "Beneficial Owner") will not receive certificated Bonds and will not be the registered owner thereof. Ownership interests in the Bonds may be purchased by or through DTC Participants. Each DTC Participant will receive a credit balance in the records of DTC in the amount of such DTC Participant's interest in the Bonds, which will be confirmed in accordance with DTC's standard procedures. Receipt by the Beneficial Owners (through any DTC Participant) of timely payment of principal, premium, if any, and interest on the Bonds, is subject to DTC making such payment to DTC

Participants and such DTC Participants making payment to Beneficial Owners. Neither the City nor the Paying Agent will have any direct responsibility or obligation to such DTC Participants or the persons for whom they act as nominees for any failure of DTC to act or make any payment with respect to the Bonds.

The appropriate officers of the City are hereby authorized to execute a Letter of Representation to DTC and such other documents as may be necessary or desirable in connection with DTC's services as securities depository.

DTC may determine to discontinue providing its services with respect to the Bonds of any series at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. Under such circumstances, the City shall designate a successor securities depository or deliver certificates to the beneficial owners of the Bonds.

**Section 14.** Appointment of Paying Agent and Bond Registrar. The Chief Financial Officer is hereby delegated the authority to appoint any bank, trust company or national banking association having the power to accept and administer trusts to serve as Paying Agent and Bond Registrar for the Bonds. The Paying Agent and Bond Registrar shall signify its acceptance of the duties imposed upon it by this Resolution by a written certificate delivered to the City prior to the delivery of the Bonds.

**Section 15.** Tax Covenant. The City hereby covenants with the holders from time to time of the Bonds that it will make no investment or other use of the proceeds of such Bonds or take any further action (or refrain from taking such action) which would cause such Bonds to be "arbitrage bonds" within the meaning of the Internal Revenue Code of 1986, as amended, or under any similar statutory provision or any rule or regulation promulgated thereunder (the "Code"), or would cause interest on such Bonds not to be excludable from gross income for federal income tax purposes, and that it will comply with the requirements of the Code and said regulations throughout the term of such Bonds.

**Section 17.** Pledge of City. The full faith and credit of the City is hereby pledged for the payment of the principal, redemption premium, if any, and interest on the Bonds. The Bonds shall be direct obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the City for the payment of the principal of and interest on the Bonds without limitation as to rate or amount.

**Section 16.** Continuing Disclosure. The form of the Continuing Disclosure Certificate in substantially the form attached hereto as Appendix E is hereby approved, and the execution of the Continuing Disclosure Certificate by the Chief Financial Officer of the City is hereby authorized. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate executed by the City and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof. Notwithstanding any other provision of this Resolution, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered a default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking specific performance by court order, to cause the City to comply with its obligations under this Section.

**Section 17.** Further Action. The proper officers of the City are hereby authorized and directed to take all such action as may be necessary to affect the issuance and delivery of the Bonds.

**Section 18.** Effective Date. This Resolution shall take effect immediately.

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:**

- Phil Vogel 318 Marlboro Road
- Thomas Monroe 178 Liberty Rd, Apt 4
- Jeanne Hopewell 380 Liberty Road
- Joseph Clark 200 John Street
- Melvin Drakeford 1239 Overlook Avenue- Teaneck
- Eugene Skurnick, 296 Marlboro Road
- Alva Jones 87 Dubois Court
- Chris Gagliardi 165 West Street- Apt D
- Sondra Greenberg, 449 Liberty Road
- Larry Reid
- Alva Jones 87 Dubois Court

**PERMIT THE COUNCIL OF THE CITY OF ENGLEWOOD TO ENTER INTO CLOSED SESSION**

Labor Negotiations  
Litigation

**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:

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

**Council went into Closed Session at 10:30PM and returned to Open Session at 11:35PM**

**RESOLUTION AUTHORIZING THE SETTLEMENT AND EXECUTION OF A STIPULATION OF SETTLEMENT AND CONSENT JUDGMENT PERTAINING TO THE MATTER OF ENGLEWOOD TERRACE VS. CITY OF ENGLEWOOD**

**WHEREAS**, there is presently pending a lawsuit in the Superior Court of New Jersey entitled Englewood Terrace vs. City of Englewood; and

**WHEREAS**, parties to the above action have been participating in settlement discussions in an effort to resolve the issues and claims raised in the above referenced action; and

**WHEREAS**, the parties to the action desire to settle the dispute in accordance with the terms outlined in the proposed Stipulation of Settlement annexed hereto.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of The City of Englewood, New Jersey through its designees City Manager, Daniel Fitzpatrick and City Attorney, William J. Bailey are authorized to enter into a Stipulation of Settlement and Consent Judgment substantially in the form annexed hereto, 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 and that the Resolution is on file and available for public inspection in the Office of the City Clerk.

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

**ADJOURN: 11:38PM**

Motion: Scott Reddin  
All in Favor

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Lauren Vande Vaarst, RMC  
City Clerk