

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

**June 22, 2010**

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 Jack Drakeford  
Mayor Frank Huttle III  
City Manager Daniel Fitzpatrick  
City Solicitor William Bailey

Absent: Council member Ken Rosenzweig  
Council member Charlotte Bennett Schoen  
City Clerk Lauren Vande Vaarst

President Reddin called the meeting to order and 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. Request RFP for Solar Panels
2. Appointment for Special Assessment District
3. Request RFP for Lincoln School
4. Stop sign at Manor Road and Hudson Avenue
5. Agenda Review
6. Closed Session

RESOLUTION #127-06-22-10

**RESOLUTION ACCEPTING MINUTES**

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

COUNCIL MEETING  
June 1, 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 #128-06-22-10

**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 \$1,989,125.12.

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:**

**Public Hearing on 2010 Budget:**

- Elle Kelly 350 Shepard Avenue
- Dorothy Carlos 262 Garden Street
- Monica Sanchez 370 Greenleaf Avenue
- Kathy Glynn 306 Tenafly Road
- Chris Gagliardi 165 West Street, Apt. D
- Norman Gorlyn 150 Madison Avenue
- Martha Aaron 346 Broad Avenue
- Paul Shaver 151 Engle Street
- Carolyn Enger 265 Audubon Road
- Anthony DeCosta 163 Humphrey Street
- James Cohen 431 Lewelen Circle
- Shirley Hall Green 198 Central Avenue

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

The following ordinances were approved on first reading at the meeting of the Mayor and Council held on June 1, 2010, and published in the June 3, 2010 edition of the Press Journal. Copies have been available to the public since introduction in the Office of the City Clerk.

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 1, 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

DATE PUBLISHED IN THE PRESS JOURNAL: June 3, 2010

DATE PUBLIC HEARING HELD: June 22, 2010

DATE SECOND READING HELD: June 22, 2010

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

**Public Hearing Ordinance 10-09:**

- Norman Gorlyn 150 Madison Avenue
- Elle Kelly 350 Shepard Avenue
- Anthony DeCosta 163 Humphrey Street

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

DATE PUBLISHED IN THE PRESS JOURNAL: June 3, 2010

DATE PUBLIC HEARING HELD: June 22, 2010

DATE SECOND READING HELD: June 22, 2010 (No Motion was made for Adoption)

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

**Public Hearing Ordinance 10-12:**

- Joseph Clark 200 John Street
- Helen Kiphaut 99 Charles Street

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

DATE PUBLISHED IN THE PRESS JOURNAL: June 3, 2010

DATE PUBLIC HEARING HELD: June 22, 2010

DATE SECOND READING HELD: June 22, 2010

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

**Public Hearing Ordinance 10-09:**

- Elle Kelly 350 Shepard Avenue

**Public Comment on Agenda Items:**

- Chris Gagliardi 165 West Street, Apt D
- Magalye Matos 307 Rosemont Place
- Dorothy Carlos 262 Garden Street
- Elle Kelly 350 Shepard Avenue

RESOLUTION #131-06-22-10

**Authorizing a Lease for the John T. Wright Arena**

**WHEREAS**, the City of Englewood advertised for bids for the lease of the John T. Wright Arena (the "Ice Rink") pursuant to the provisions of the New Jersey Local Lands and Buildings Law; and

**WHEREAS**, one bid was received from Mackay Ice Arena, Inc. in the amount of \$15, 012 as the annual rent; and

**WHEREAS**, the requirements of the bid specifications have been met and it is the desire of the City to see the Ice Rink operational during the 2010-2011 season.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, New Jersey, that the lease of the Ice Rink is hereby awarded to MacKay Ice Arena, Inc. in the amount of \$15,012 and in accordance with the bid specifications.

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to execute and the City Clerk to attest to the lease agreement.

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 #132-06-22-10

**Authorization to Prepare and Issue 2010 Estimated Tax Bills**

**WHEREAS**, the City of Englewood cannot have their overall tax rate certified since the amount of the tax levy will not be known until after the final tax levy amounts are determined by the State of New Jersey; and

**WHEREAS**, the City of Englewood Tax Collector and Chief Financial Officer have computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies; and

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

1. The City of Englewood Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the City for the third installment of 2010 taxes. The Tax Collector shall proceed upon approval from the Director of the Division of Local Government Services to take such actions as permitted and required by PL., 1993.c.72 (N.J.S.A. 4:4-66.2 and 54:4-66.3),
2. The entire estimated levy for 2010 is hereby set at \$106,435,211 and the estimated tax rate set at \$2.022,
3. In accordance with the law the third installment of 2010 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated tax bills are mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

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 #133-06-22-2010

**Honoring Claire Insalata Poulos  
2010 Russ Berrie Making a Difference Award Winner**

**WHEREAS**, Claire Insalata Poulos, a resident of the City of Englewood, was honored on June 1, 2010 at Ramapo College as a recipient of a Russ Berrie Award for Making a Difference. This award, which was created in 1997, by The Russell Berrie Foundation recognizes New Jersey's unsung heroes, "the everyday people whose extraordinary volunteer efforts have made a real difference in the lives of others" as stated on the Foundation's website; and

**WHEREAS**, in 1998 seeing the need to feed the homeless and the hungry, Claire Insalata Poulos began contacting local restaurants and supermarkets to ask them to donate their leftover fresh food, which Claire along with two employees then picked up in a donated vehicle and delivered to soup kitchens in Paterson. This was the start of Table to Table, a food rescue program; and

**WHEREAS**, from its humble origins, Table to Table has grown into a \$7 million-a-year operation, that delivers more than 6.5 million meals to more than 50 local agencies serving homeless shelters, HIV medical day centers, homes for the aged, drug rehabilitation centers, pantries for the working poor and agencies for victims of domestic violence. Table to Table is nationally recognized as one of the top food rescue program in the country; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Englewood, County of Bergen, hereby honors Claire Insalata Poulos, as both a 2010 recipient of a Russ Berrie Making a Difference Award and an outstanding community volunteer.

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 #134-06-22-10

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

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

**BE IT RESOLVED** by the City Council of the City of Englewood that the City Clerk is hereby directed to sign, issue, and deliver Alcoholic Beverage licenses to each of the persons, associations, firms, corporations, or clubs listed below; and to be effective only at the locations set forth after their respective names for the period beginning July 1, 2010 at 12:01 AM and ending June 30, 2011 at 12:00 midnight; and

**BE IT FURTHER RESOLVED** that a periodic review of all liquor licenses will be conducted during the 2010-2011 license year.

**CLUB LICENSE #31**

0215-31-030-001	Henry Douglas Post #58 American Legion Inc. t/a Henry Douglas Post #58	151 W. Forest Avenue
0215-31-032-002	Ideal Lodge 470 IBPOE of the World t/a Ideal Lodge 470	17 Bennett Road
0215-31-034-001	Englewood Field Club t/a Englewood Field Club	341 Engle Street
0215-31-037-001	Shiloh Craftsman Club	37 Bennett Road
0215-31-042-001	Congregation Ahavath Torah t/a Congregation Ahavath Torah	240 Broad Avenue

**PLENARY RETAIL CONSUMPTION LICENSE W/BROAD PACKAGE PRIVILEGE #32**

0215-32-009-003	YNS Englewood Liquors Inc. t/a Englewood Liquors	42 E. Palisade Avenue
0215-32-011-006	TSH Wine & Liquors Inc. t/a Oprandy's Wine & Liquor Inc.	14-16 East Hudson Avenue

**PLENARY RETAIL CONSUMPTION LICENSE #33**

0215-33-003-010	4 West LLC t/a 4 West Diner	412 S. Van Brunt Street
0215-33-005-009	Parea LLC t/a Nisi	90 Grand Avenue
0215-33-006-004	Larry Brad Drucker, Inc. t/a Cassie's Restaurant	18 S. Dean Street
0215-33-007-010	Philia LLC ( <i>in Pocket</i> )	126 Engle Street
0215-33-014-006	AWJ Inc. t/a Solaia	22 N. Van Brunt Street
0215-33-020-005	Tapas de Espana II, Inc. t/a Tapas de Espana	47 N. Dean Street
0215-33-022-010	Smoke Inc t/a Smoke Chophouse	36 Engle Street
0215-33-024-012	21 Palisade Avenue LLC t/a Blue Moon Mexican Café	21 E. Palisade Avenue
0215-33-025-007	Du Enterprises LLC	11 N. Dean Street

0215-33-027-006	t/a Koi Lounge Sangria LLC	90 W. Palisade Avenue
0215-33-044-002	t/a Sangria Restaurant Bergen Performing Arts Center Inc.	30 N. Van Brunt Street
0215-33-045-010	Scotland & Gettenberg LLC t/a Grand Cru Food & Wine	40 N. Van Brunt Street

**LIMITED RETAIL DISTRIBUTION LICENSE # 43**

0215-43-001-005	Jordan Convenience Corner Inc.	190 W. Englewood Avenue
0215-43-002-006	M Y Deli, Inc.	548 Grand Avenue

**PLENARY RETAIL CONSUMPTION LICENSE (HOTEL/MOTEL EXCEPTION) #36**

0215-36-046-005	CP Englewood Inc t/a Crowne Plaza	401 S. Van Brunt Street
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**PLENARY RETAIL DISTRIBUTION LICENSE #44**

0215-44-004-007	Gettenberg Wellisch LLC t/a Englewood Wine Merchants	3 E. Palisade Ave
0215-44-008-011	Alison Beverages of NJ Inc t/a Shop-Rite Liquors of Englewood	53 Nathaniel Place
0215-44-013-008	SUDHDH LLC t/a Wides Liquors	228-230 W. Englewood Avenue
0215-44-019-004	Jerry's Outlet Inc t/a Jerry's Gourmet & More	410 S. Dean Street
0215-44-028-007	Jayshri Ambe, Inc. t/a C&R Beverage	91 W. Palisade Avenue

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 #137-06-22-10

**Authorize Agreement for Solid Waste Cooperative Marketing Program  
with the Bergen County Utilities Authority**

**WHEREAS**, the City of Englewood participates in the Bergen County Utilities Authority's Solid Waste Cooperative Marketing Program (the "Program"); and

**WHEREAS**, the Program has been extended through May 31, 2013; and

**WHEREAS**, the BCUA has awarded a new contract for the disposal of municipal solid waste that will result in a cost savings of approximately fifteen percent (15%); and

**WHEREAS**, it is in the best interests of the City to continue its participation in the Program; and

**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 execute the attached agreement to continue its participation in the Program.

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			

**Public Session:**

- Betty Grossman 398 Marlboro Road
- Gerald Marion 271 Franklin Road
- Elle Kelly 350 Shepard Avenue
- Magalye Matos 307 Rosemont Place
- Dorothy Carlos 262 Garden Street
- Chris Gagliardi 165 West Street- Apt D

**ADJOURN: 10:05PM**

Motion: Scott Reddin

All in Favor

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Lauren Vande Vaarst, RMC  
City Clerk