

City of Englewood
City Council Meeting Minutes
July 20, 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 Ken Rosenzweig
Council member Charlotte Bennett Schoen
Council member Jack Drakeford
City Manager Daniel Fitzpatrick
City Solicitor William Bailey
City Clerk Lauren Vande Vaarst

Absent: Mayor Frank Huttle III

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.

Presentations:

Resolution #150-07-20-10 commemorating the 20th Anniversary of the passing of the Americans with Disabilities Act.

Presented to:

- Chris Gagliardi, Special Needs Outreach Coordinator for District 37
- Andrew Pecorella representative - Bergen County Division of Disability Services

Both young men spoke to the Mayor and Council and thanked them for commemorating this special occasion and stressed the need for continued outreach and support for the disabled community.

A Joint Proclamation from the State Senate and Legislature presented to Linda Grace Monahan Gagliardi for her decades of work in support of those with special needs by Assemblyman Gordon Johnson, District 37.

Executive Session (Committee of the Whole):

1. Quarry Pond Dredging
2. ~~Recording of Council Meetings~~
3. Downtown Parking- 2 hour meters
4. Agenda Review
5. Closed Session

Vote to Place New Item on the Agenda:

RESOLUTION # 154-07-20-10 PLACE -TO- PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE

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 #148-07-20-10

RESOLUTION ACCEPTING MINUTES

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

COUNCIL MEETING

July 6, 2010

COUNCIL WORKSHOP

June 15, 2010

July 13, 2010

CLOSED SESSION

June 1, 2010

June 15, 2010

July 6, 2010

July 13, 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 #149-07-20-10

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 \$1,035,213.03.

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			

Communications from the Mayor/Council members:

Ordinances – Introduction/First Reading:

ORDINANCE #10-20

AN ORDINANCE AMENDING SCHEDULE XI OF SECTION 25-19 OF CHAPTER 25 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD RELATING TO PARKING ALONG A PORTION OF WALNUT STREET AND ALONG A PORTION OF BRAYTON STREET IN THE CITY OF ENGLEWOOD

WHEREAS, the Traffic Advisory Committee has recommended limited parking along a portion of Walnut Street and Brayton Street; and

WHEREAS, Walnut Street and Brayton Street are both under the jurisdiction of the City of Englewood; and

WHEREAS, N.J.S.A. 39:4-8 permits the City of Englewood to designate time limited parking and other parking restrictions along said streets without the approval of the Commissioner of Transportation.

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

Section 1. Schedule XI of Section 25-19 of Chapter 25 of the Revised General Ordinances of the City of Englewood, respecting limited parking on certain streets, is hereby amended to add thereto the following:

(i) "No Parking" signs be installed on both sides of Brayton Street from Walnut Street to Cedar Street, on Walnut Street from Brayton Street to Walnut Court, and on Cedar Street from Brayton Street 300 feet toward Lydecker Street or for a distance of 200 feet from the property line of the East Hill Synagogue, whichever is shorter; and

(ii) All of Brayton Street from East Palisade Avenue to Walnut Street and from Cedar Street to Johnson Avenue shall be established as one side of the street parking zones with parking of the west side of Brayton Street only; and

(iii) The remainder of Walnut Street from Lydecker Street to North Woodland Street shall be established as a single side of the street parking zone with parking on the south side of the street only; and

(iv) The remainder of Cedar Street from Lydecker Street to Brayton Street shall be established as a single side of the street parking zone with parking on the north side of the street only.

(v) Except as expressly modified above all existing parking restrictions and requirements shall remain in full force and effect.

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.

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

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

ORDINANCE #10-21

AN ORDINANCE AMENDING SCHEDULE A, FEE REVISION RELATING TO CHAPTER 6 (ANIMALS), ARTICLE I (DOGS), 6-22 (PENALTY) OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD

WHEREAS, the Board of Health of the City of Englewood requests that Schedule A, Fee Revision relating to Chapter 6 (Animals), Article I (Dogs), 6-22 (Penalty) of the Revised general Code of the City of Englewood be amended.

WHEREAS, the Board of Health feels that the penalties are extremely low and do not serve as a deterrent for curbing behavior; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Englewood, Bergen County, New Jersey, that Chapter 6 of the Revised General Ordinances of the City of Englewood is hereby amended as follows:

Section 1. Article 1, Section 6-22 of Chapter 6 is hereby amended to read as follows:

Any person who violates, or who fails or refuses to comply with any provision of this chapter shall be liable for a fine of not more than \$1,000 and subject to imprisonment for a period not to exceed 90 days, except that for violations of Sections 6-2, 6-5 and 6-21, the penalty shall be a fine of not more than \$200 and except that for a violation of 6-11, the penalty shall be a fine of not more than \$750.

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.

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

ORDINANCE #10-22

AN ORDINANCE APPROVING PAYMENTS IN LIEU OF TAXES FOR THE MULTIPLE DWELLING CONSTRUCTED BY ENGLEWOOD TERRACE, LLC WITHIN THE PALISADES SOUTH REDEVELOPMENT AREA PURSUANT TO THE FIVE (5) YEAR EXEMPTION AND ABATEMENT LAW (N.J.S.A. 40A:21-1 ET. SEQ.) AND ORDINANCE #10-11

WHEREAS, Englewood Terrace, LLC, (the "Entity") owns certain property known as Block 2401, Lot 1.01 C002 on the City's Official Tax Map, (the "Property"); and

WHEREAS, the Property is located in the City of Englewood, within the Palisade South Redevelopment Project Area in an area previously found to be in need of redevelopment; and

WHEREAS, the Entity has filed an application ("Application") for a tax exemption for a project involving 188 residential rental units (the "Project"); and

WHEREAS, the City of Englewood is authorized to adopt an ordinance to utilize tax exemptions/abatements pursuant to N.J.S.A. 40A:21-1 et. seq., the Five (5) Year Exemption and Abatement Law for qualified projects; and

WHEREAS, pursuant to N.J.S.A. 40A:21-1 et seq., the City of Englewood adopted Ordinance #10-11, ("the Ordinance") to allow Five (5) Year Tax Exemptions which authorizes the City to enter into tax agreements with developers of qualified projects for the exemption and abatement of local real estate property taxes and the payment of an amount in lieu of full property taxes;

WHEREAS, pursuant to N.J.S.A. 40A:21-1 et seq., and Ordinance #10-11, a tax exemption for new construction of multiple dwellings is permissible in the Palisade South Redevelopment Project Area; and

WHEREAS, the Application for tax exemption was timely filed on June 18, 2010; and

WHEREAS, the Property in 2010 is expected to generate approximately \$674,000 in taxes; and

WHEREAS, upon review of the Application the City Council has determined that the proposed Project Land and Improvements are eligible for tax exemption pursuant to N.J.S.A. 40A:21-9 and the Ordinance and that it is in the best interests of the City to enter into a Tax Agreement for the Project; and

WHEREAS, under the Five-Year Tax Exemption and proposed tax agreement, the Project Land and Improvements would be exempt from local real estate taxation for a period of five (5) years and the Entity would be required to pay the City a payment in lieu of taxes based on a five-year phase-in of the taxes which would otherwise be due on the Project Land and Improvements as completed as set forth in the Schedule of Estimated Annual Payment-in-Lieu of Tax and Pre-Payments-Exhibit A; and

WHEREAS, the Entity has also agreed to pre-pay certain portions of the Payment-in-Lieu-of-Taxes subject to each prepayment being credited back as set forth in Exhibit A; and

WHEREAS, upon the expiration of the tax exemption, it is estimated that the Project Land and Improvements will generate a conventional tax payment of approximately \$925,000.

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

1. The above recital is incorporated as if fully set forth at length herein.
2. The Application for a Five (5) Year Tax Exemption for the Project Land and Improvements is hereby approved.
3. The City Manager is hereby authorized to execute a Five-Year Tax Exemption Agreement ("Tax Agreement") for the Project which shall contain, at a minimum, the following terms and conditions:
 - (a) The Project Land and Improvements shall be exempt from local real estate taxation for a period not to exceed five (5) years;
 - (b) The Entity shall make payments-in-lieu-of-taxes on the Project Land and Improvements estimated to be as set forth in Exhibit A attached;

- (c) The Entity shall prepay a portion of the payments-in-lieu-of-taxes in Years 1 and 2 of the Tax Agreement terms and shall receive corresponding credits in Years 4 and 5 all as set forth in Exhibit A.
 - (d) The "taxes otherwise due" for the Project Land and Improvements shall be based on a total assessed value of \$34,250,000;
 - (e) The Tax Agreement shall take effect on January 1, 2011 and shall have a duration of five (5) years unless terminated prior thereto.
 - (f) With respect to the transfer of the property, where it is determined that the new owner of the property will continue to use the property pursuant to the conditions which qualified the property, the exemption shall continue and the Tax Agreement shall remain in effect; and
 - (g) At the termination of the Tax Agreement, the Project Land and Improvements shall be subject to all applicable real property taxes as provided by State law and regulation and local ordinance; but nothing herein shall prohibit a project, at the termination of an agreement, from qualifying for, and receiving the full benefits of, any other tax preferences provided by law.
4. The Municipal Clerk shall forward a copy of the Tax Agreement 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 of the Tax Agreement.
 5. The Tax Agreement shall be subject to such provisions of Ordinance #10-11, as may be applicable.
 6. All ordinances and parts of ordinances inconsistent herewith, excepting the Ordinance, are hereby repealed.
 7. This ordinance shall take effect at the time and in the manner provided by law.

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

Ordinances – Public Hearing/Second Reading:

ORDINANCE #10-14

AN ORDINANCE ESTABLISHING CONTRACT SALARIES AND BENEFITS FOR LOCAL 108, RWDSU, AND LOCAL 11, TEAMSTERS

WHEREAS, contract settlements have been reached with Local 108, RWDSU, and Local 11, Teamsters that establish salary amounts and benefits; and

WHEREAS, it is deemed to be in the best interests of the City to approve the terms of the contract settlements.

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. The annual salary ranges for the positions covered by the Local 108, RWDSU contract shall be as set forth on Schedule A, attached hereto and made a part hereof, effective as of the years and dates indicated.

Section 2. The annual salary ranges for the positions covered by the Local 11, Teamsters contract shall be as set forth on Schedules B1 and B2, attached hereto and made a part hereof, effective as of the years and dates indicated.

Section 3. The supplemental prescription drug reimbursement program will be eliminated effective January 1, 2011 for both collective bargaining units.

Section 4. Lincoln's Birthday will no longer be a paid holiday for both collective bargaining units effective in the year it ceases to be an official holiday for the State of New Jersey.

Section 5. Other terms and conditions shall be maintained as set forth in the respective collective bargaining agreements. The City Manager is hereby authorized to execute the collective bargaining agreements with Local 108, RWDSU and Local 11, Teamsters.

Section 6. This ordinance shall become effective upon final passage and publication as required by law.

COUNCIL	MOTION	VOTE
Algrant	X	Y

Rosenzweig		N
Bennett Schoen		Y
Drakeford		A
Reddin		Y

DATE PUBLISHED IN THE PRESS JOURNAL: JULY 8, 2010

DATE PUBLIC HEARING HELD: JULY 20, 2010

DATE SECOND READING HELD: JULY 20, 2010

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

ORDINANCE #10-15

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 19 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD, AS PREVIOUSLY AMENDED BY
ORDINANCE NO. 09-15**

WHEREAS, Chapter 19 of the Revised General Ordinances establishes, inter alia, the table of organization of the Englewood Police Department; and

WHEREAS, as the result of recent retirements and economy measures the size of the department has been decreased and a new table of organization is required; and

WHEREAS, municipalities are required to establish by ordinance the maximum number of officers authorized for each rank.

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 19.2 (a) of Chapter 19 is hereby amended to read as follows:

19.2(a) The Police Department Table of Organization shall consist of one (1) Chief of Police, and may consist of not more than one (1) Deputy Chief of Police, not more than one (1) Captain, not more than six (6) Lieutenants, not more than eleven (11) Sergeants and not more than sixty (60) Police Officers.

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 law.

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

DATE PUBLISHED IN THE PRESS JOURNAL: JULY 8, 2010

DATE PUBLIC HEARING HELD: JULY 20, 2010

DATE SECOND READING HELD: JULY 20, 2010

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

AN ORDINANCE OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF ENGLEWOOD AND APPROPRIATING \$3,820,000 THEREFORE, AND PROVIDING FOR THE ISSUANCE OF \$3,637,900 IN BONDS OR NOTES OF THE CITY OF ENGLEWOOD TO FINANCE THE SAME

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Englewood, in the County of Bergen, New Jersey (the "City") as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$3,820,000 including the aggregate sum of \$182,100 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$3,637,900 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefore, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

(a) Purpose:

2010 Road Improvement Program, including but not limited to, improvements to East Hudson (between Engle and Elkwood Terrace), Windsor Road (Manor to Holland), Durie (Tenafly and Roosevelt), Central Avenue (John to Tryon), Tryon Avenue (Tenafly to Central), South Dwight Place, Walnut (Lydecker and Woodland), Thornton Road (Oakwood to Booth), Decatur Avenue, Webster Avenue, Hirliman Road, Grandview Avenue, Westview Avenue, Flat Rock Brook Nature Center Parking Lot, Library Parking Lot and emergency curb and sidewalk replacement and including all work and materials necessary therefore or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$1,660,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$1,580,900
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$79,100

(b) Purpose:

Reconstruction of various roads in the City, including, but not limited to, Knickerbocker Road (Hudson to Ivy Lane), South Woodland Street (Palisade to Linden), North Woodland Street (Palisade to Johnson) and Sherwood Place, and including all work and materials necessary therefore or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$2,160,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$2,057,000
<u>Period or Average Period of Usefulness:</u>	20 years
<u>Amount of Down Payment:</u>	\$ 103,000

(c) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(d) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefore.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the City may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 15.6534 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,637,900 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$750,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

(e) The City reasonably expects to commence the acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited 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 obligations and the interest thereon without limitation of rate or amount.

Section 9. After passage upon first reading of this bond ordinance, the City Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The City Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the City Council, the City Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The City Council of the City hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated there under (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required there under.

Section 12. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

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

DATE PUBLISHED IN THE PRESS JOURNAL: JULY 8, 2010

DATE PUBLIC HEARING HELD: JULY 20, 2010

DATE SECOND READING HELD: JULY 20, 2010

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

Public Hearing on Ordinance 10-18:

- Sandy Greenberg 449 Liberty Street – inquired about Flat Rock Brook parking lot.

Public Comment on Agenda Items:

- Betty Grossman 398 Marlboro Road – Council should not move forward with traffic light at Durie Avenue & Tenafly Road.
- Sandy Greenberg 449 Liberty Road – Inquired about Place to Place Transfer of ABC License for Cassie’s Restaurant.

RESOLUTION #150-07-20-2010

Commemorating the 20th Anniversary of the passing of the Americans with Disabilities Act

WHEREAS, the Americans with Disabilities Act (ADA) was passed July 26, 1990 as Public Law 101-336 (42 U.S.C. Sec. 12101 *et seq*) and became effective on January 26, 1992. The ADA is landmark federal legislation that opens up services and employment opportunities to the 43 million Americans with disabilities. The law was written to strike a balance between the reasonable accommodation of citizens' needs and the capacity of private and public entities to respond. It is not an affirmative action law but is intended to eliminate illegal discrimination and level the playing field for disabled individuals; and

WHEREAS, the Americans with Disabilities Act (ADA) is a wide ranging and ground breaking act that built upon the foundation laid by earlier legislation such as the Architectural Barriers Act of 1968 and the Rehabilitation Act of 1973; and

WHEREAS, the law is comprised of five titles that prohibit discrimination against disabled persons within the United States, and include protections from discrimination in regard to employment, programs and activities; provide for public accommodations; and the availability of telecommunications devices and services; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood, County of Bergen, hereby commemorates the 20th Anniversary of the passing of the Americans with Disabilities Act (ADA), and in doing so honors all of the citizens of the City of Englewood, County of Bergen, and their right to live full and productive lives with access to all that the City has to offer.

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 #151-07-20-10

Approving the Introduction of the Englewood Special Improvement District Budget for FY 2011

WHEREAS, the Englewood Special Improvement District budget for FY 2011 (July 1, 2010 - June 30, 2011) was approved by the Englewood Economic Development Corporation, the District Management Corporation, on June 16, 2010; and

WHEREAS, N.J.S.A. 40:56-65 *et seq.* requires that the budget be introduced and approved by the City Council on two readings of a resolution following a public hearing.

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

Section 1. The following statement of revenues and appropriations represents the Special Improvement District budget for FY 2011.

<u>Revenues</u>		<u>Appropriations</u>	
Business License Fees	\$247,300	Promotions (BergenPAC)	\$ 60,000
Clean Communities Grant	30,000	Salaries	67,000
		DBIZ loan	33,000
		Imp. & Equip.	10,000
		Marketing program	75,000
		Events program	29,300
		Miscellaneous	3,000
Total Revenues	\$277,300	Total Appropriations	\$277,300

Section 2. This budget is hereby approved on first reading by the City Council and the budget shall be published in the Press Journal and a public hearing shall be scheduled at the regular City Council meeting on August 10, 2010 at which time fee payers or other interested parties will be heard.

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 # 152-07-20-10

**Authorize Award of Contract to Stantec Consulting Services
for Design of Traffic Signal at Durie Avenue and Tenafly Road**

Resolution # 152-07-20-10 was pulled

RESOLUTION # 153-07-20-10

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.

PLENARY RETAIL CONSUMPTION LICENSE #33

0215-33-017-002 One W. Englewood Ave Corp. (*Inactive*) 1-3-5 W. Englewood Avenue
t/a Club One West

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 # 154-07-20-10

**PLACE -TO- PLACE TRANSFER
OF PLENARY RETAIL CONSUMPTION LICENSE**

WHEREAS, an application has been filed for a place to place transfer of Plenary Retail Consumption License # 0215-33-006-004, Larry Brad Drucker Inc. t/a Cassie's Restaurant, for the purpose of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood does hereby approve, effective July 20, 2010, the expansion of the aforesaid Plenary Retail Consumption Licensed premises, Larry Brad Drucker Inc. t/a Cassie's Restaurant, located at 18 South Dean Street, Englewood, New Jersey to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

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:

- Fran Honig 127 Lake Street – asked for an explanation of Ordinance 10-22, algae problem at Crystal Lake and opposes expansion of Shop-Rite.
- Chris Gagliardi 165 West Street, Apt D – thanked Council for recognizing the passing of the ADA Law, discussed Rock The Era event to be held at Temple University in the next few days, and Englewood Tourism Board.

- Betty Grossman 398 Marlboro Road – asked for clarification of new construction referred to in Ordinance 10-22.
- Sandy Greenberg 449 Liberty Road – In regard to ADA Anniversary mentioned former resident who was disabled and worked as a volunteer greeter in City Hall, the elevator at City Hall was a long time in coming, and a long time resident who is disabled and has always been an active and involved member of the community. The City needs to pay attention to Crystal Lake, and while she is not opposed to the expansion of Shop- Rite it should not be allowed to encroach on a neighbor.
- Allyn Luke 201 W. Hudson Avenue – Shop-Rite should not be allowed to encroach on a valuable and historic neighborhood, and the zone should not be changed to allow it. The character of the neighborhood should be maintained.
- John Clagett 165 Jane Street – 40th Anniversary of the landing on the moon, and he was in Houston a week after the event. In regard to the Shop-Rite proposal he would like to see a quality project and one that will enhance and not degrade the neighborhood.

RESOLUTION #155-07-20-10

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

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

Litigation

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

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

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

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

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

Council went into Closed Session at 9:10PM and returned to Open Session at 9:30PM

**AUTHORIZING APPLICATION
FOR CITY-WIDE REASSESSMENT**

WHEREAS, in accordance with law, the City of Englewood reevaluated all real property in the City; and

WHEREAS, same reevaluation took place in the calendar year 2006 and reevaluation results were incorporated onto the municipal tax records for the calendar year 2007; and

WHEREAS, as the result of the current economic conditions, the City Council of the City of Englewood has determined that it is in the best interest of the future of the City to have a fair and equitable reflection of present values by performing a city-wide reassessment; and

WHEREAS, the City of Englewood is seeking permission to solicit proposals from outside appraisal firms; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that a reassessment of all lands, buildings, and improvements contained within the boundaries of the municipality be commenced immediately, and the City Manager or his designee is authorized to file the appropriate application with the Bergen County Tax Board; and

BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to publish in the official newspaper of the City, notice of this resolution pursuant to law; and

BE IT FURTHER RESOLVED, that the City Clerk shall forward a copy of this resolution to the City Tax Assessor, the City Manager, the outside appraisal firm, and the Director of the Division of Taxation of the State of New Jersey.

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

ADJOURN: 9:35PM

Motion: Scott Reddin
All in Favor

Lauren Vande Vaarst, RMC
City Clerk