

City of Englewood
City Council Meeting Minutes

October 5, 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
 Mayor Frank Huttle III
 City Manager Daniel Fitzpatrick
 City Solicitor William Bailey
 City Clerk Lauren Vande Vaarst

 Absent: Council member Jack Drakeford

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.

RESOLUTION #202-10-05-10

**Honoring Atul Lalan
for his Commitment to Recycling**

WHEREAS, Atul Lalan, owner the 7-11 located at 13 Tenafly Road in the City of Englewood, is being honored for his commitment to the community and the environment; and

WHEREAS, Mr. Lalan actively promotes recycling at his store by prominently displaying recycling bins which encourages customers to do their fair share in helping keep the City of Englewood green and clean; and

WHEREAS, Mr. Lalan has set forth a positive example for the business community in Englewood that the City Council wishes to recognize and encourage; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood, County of Bergen, hereby honors Atul Lalan, and recognizes his commitment to bettering the City of Englewood and maintaining its beauty and natural resources.

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 #203-10-05-10

Honoring the Dwight Englewood School's INSPIRE Club

WHEREAS, the INSPIRE Club was created by student leaders at Dwight Englewood School after attending a campus wide Leadership Institute in 2005. INSPIRE was formed as a means of responding to insensitive remarks made among students; and

WHEREAS, INSPIRE stands for Introducing New Solutions to Promote Integrity, Respect and Equality. INSPIRE's goal is to provide education, improve communication and sponsor celebrations for all members of the Dwight Englewood community; and

WHEREAS, INSPIRE conducted a one day program that centered on discussions of cultural identifiers: Ability, Age, Ethnicity, Gender, Race, Religion, Sexual Orientation and Socio-Economic Status. The Upper School Community at Dwight

Englewood School worked in small and large discussion groups to address how they could work better as a community to create an environment of respect, trust, equity and justice at school; and

WHEREAS, Dwight Englewood's Upper School community will be celebrating Hispanic Heritage Month for the first time on Thursday, October 7, 2010. Providing the students with an opportunity to celebrate the culture, language, and traditions of the Hispanic members of the community; the day's program will feature a guest speaker, spoken word artist, recorded music and a power point presentation of representative works of art. Additionally, the food service department has been asked to provide a lunch menu that features foods found in Hispanic culture; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood, County of Bergen, hereby honors the INSPIRE Club of Dwight Englewood School for their leadership in promoting diversity, communication, and educating their fellow students about other cultures and traditions.

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			

Executive Session (Committee of the Whole):

1. Closed Session- to discuss Litigation, Personnel and Real Estate Transaction
2. Reverse 9-1-1 Program (Deputy Chief Lawrence Suffern):
 - a. The Englewood Police Department has worked with the provider of the Reverse 9-1-1 system to identify flaws in the system. The provider is working to correct the errors.
 - b. A template will be created to determine whether a call(s) should be sent city-wide or to specific a Ward(s).
 - c. Councilmember Bennett Schoen asked why the most recent call had to come at 1:30am. Deputy Chief explained that the "all-clear" call had to go out to advise residents that it was okay to leave their homes.
 - d. Council President Scott Reddin stated that even though the call came through at 1:20 am, it was important to get the word out that all was clear and safe. He asked that since the situation was located so close to the Teaneck border should their residents also have been notified? Deputy Chief Suffern stated that the Teaneck Police Department was notified, and he is not sure if they have a Reverse 9-1-1 system, and that it is Teaneck's decision to notify their residents.
 - e. Mayor Huttler went to the location of the incident and commended the Deputy Chief, Englewood Police Department and the County SWAT Team on their quick and effective response to the situation that evening and to thank them for not allowing the incident to escalate further.
 - f. Deputy Chief Suffern urged all residents to remember that 9-1-1 is for emergencies and to please be mindful of that.
 - g. Councilmember Bennett Schoen asked that Deputy Chief contact Teaneck about whether or not they have a Reverse 9-1-1.
3. Agenda Review

RESOLUTION #200-10-05-10

RESOLUTION ACCEPTING MINUTES

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

COUNCIL MEETING
September 21, 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 #201-10-05-10

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 \$554,306.88.

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 – Introduction/First Reading:

ORDINANCE #10-34 - *WITHDRAWN*

**ORDINANCE AMENDING CHAPTER 8 OF THE BOARDS & AGENCIES ORDINANCE
OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD**

Public Comment on Agenda Items:

- Eugene Skurnick 296 Marlboro Road – glad to see that Resolution #212 was withdrawn from tonight's Agenda, and feels that it should never have been put on the Agenda.

RESOLUTION #204-10-05-10

**Authorizing a Change Order (Known as Change Order #2) To The Contract
Between The City of Englewood and Centralpack Engineering Corporation
For the Library HVAC Replacement Project**

WHEREAS, due to unanticipated circumstances which have arisen during the Library HVAC Replacement Project, a change order has been recommended (known as change order #2) in order to amend the contract between the City of Englewood and Centralpack Engineering Corporation; and

WHEREAS, due to unanticipated circumstances it was determined that, although unknown and not apparent at the time of the design, the gas pressure was not at a level required by the new high efficiency boilers installed as part of the Library HVAC Replacement Project. The best and most cost effective solution is the installation of a gas booster pump; and

WHEREAS, the change order (known as change order #2) shall change the amount of the original contract by an increase in the contract amount of \$52,000; and

WHEREAS, the cost of the change order exceeds the twenty percent (20%) limitation imposed by law; and

WHEREAS, the change order complies with N.J.A.C. 5:30-11.9 and the required certifications are attached to this resolution; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, County of Bergen, State of New Jersey, that the City Manager is authorized to enter into the change order (known as change order #2) which shall be considered an amendment to the original contract between the City of Englewood and Centralpack Engineering Corporation for the Library HVAC Replacement Project not to exceed \$52,000.

BE IT FURTHER RESOLVED that adequate funds for this contract are available and that the Chief Financial Officer's Certificate of Availability of Funds is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that notice of this change order shall be published once in the Press Journal pursuant to N.J.A.C. 5:30-11.9.

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 #205-10-05-10

**AUTHORIZING AWARD OF CONTRACT
FOR WEBSTER, DECATUR AND HIRLIMAN IMPROVEMENTS PROJECT**

WHEREAS, sealed bids were received on September 29, 2010 for the Webster, Decatur and Hirliman Improvements Project in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids were received from four bidders listed on the attached Bid Summary Sheet; and

WHEREAS, the bid submitted by M. Ingannamorte & Sons, Inc., 211 LaRoche Avenue, Harrington Park, New Jersey 07640 for the sum of \$359,905.00 was determined to be the low bid and is in compliance with the specifications; and based upon the recommendation of the City Engineer, can be accepted by the City Council; and

WHEREAS, this bid is awarded according to a fair and open process pursuant to PL 2004, c.19. and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by M. Ingannamorte & Sons, Inc. is hereby accepted; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute an agreement between the City of Englewood and M. Ingannamorte & Sons, Inc. for the Webster, Decatur and Hirliman Improvements Project in accordance with the specifications therefore.

BE IT FURTHER RESOLVED that subject to the availability of funds therefore, the City Manager is authorized to approve change orders in a sum not to exceed 20% of the contract price.

Funding for this project is available from the following source:

- Ordinance 10-18 (a)

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 #206-10-05-10

**Authorizing Award of Contract
For Flat Rock Sewer Line Replacement Project**

WHEREAS, quotations were obtained for the Flat Rock Sewer Line Replacement Project in accordance with specifications therefore; and

WHEREAS, specifications were sent and quotations were received from two vendors, copies of the quotes are attached; and

WHEREAS, the quotation submitted by Gotthold Paving, LLC., P.O. Box 205, Edgewater, New Jersey 07020 for the sum of \$12,450.00 was determined to be the low bid and is in compliance with the specifications; and based upon the recommendation of the City Engineer, can be accepted by the City Council; and

WHEREAS, this bid is awarded according to a fair and open process pursuant to PL 2004, c.19. and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by Gotthold Paving, LLC. is hereby accepted; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute an

agreement between the City of Englewood and Gotthold Paving, LLC. for the Flat Rock Sewer Line Replacement Project in accordance with the specifications therefore.

BE IT FURTHER RESOLVED that subject to the availability of funds therefore, the City Manager is authorized to approve change orders in a sum not to exceed 20% of the contract price.

Funding for this project is available from the following source:

- Ordinance 06-08 (h)

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 #207-10-05-10

Authorize Rejection Of Bid
“Supplementary Snow Plowing Services”

WHEREAS, sealed bids were received on September 29, 2010, for “Supplementary Snow Plowing Services” in accordance with specifications therefore and following public advertisement thereof pursuant to law; and

WHEREAS, one vendor’s bid was properly received and opened, but was deemed insufficient as per the specifications of the bid; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that all the bids received for “Supplementary Snow Plowing Services” are hereby rejected and that the “Supplementary Snow Plowing Services” be rebid in accordance with specifications therefore and following public advertisement thereof pursuant to law.

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 #208-10-05-10

Authorize Bergen Family Center Application for
Bergen County CD Block Grant of \$20,000
To Continue the Amory Street Family Intervention Project

WHEREAS, a Bergen County Community Development grant of \$20,000 has been proposed by the Bergen Family Center to Continue the Amory Street Family Intervention Project; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the City Council; 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 and is intended solely to expedite expenditure of the aforesaid Community Development funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood hereby confirms 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 #209-10-05-10

**Authorize Calvary Cares CDC, Inc. Application for
Bergen County CD Block Grant
of \$38,190 for Smart Kids After School Program**

WHEREAS, a Bergen County Community Development grant of \$38,190 has been proposed by the Calvary Cares Community Development Corporation, Inc. for Smart Kids After School Program; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the City Council; 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 and is intended solely to expedite expenditure of the aforesaid Community Development funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood hereby confirms 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 #210-10-05-10

**Authorize Women's Rights Information Center Application for
Bergen County CD Block Grant of \$110,000
for Help for Enterprising Women**

WHEREAS, a Bergen County Community Development grant of \$110,000 has been proposed by the Women's Rights Information Center for the Help for Enterprising Women program; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the City Council; 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 and is intended solely to expedite expenditure of the aforesaid Community Development funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood hereby confirms 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 #211-10-05-10

**Authorize Women's Rights Information Center Application for
Bergen County CD Block Grant of \$72,000
for Shared Housing for One-Parent Families**

WHEREAS, a Bergen County Community Development grant of \$72,000 has been proposed by the Women's Rights Information Center for Shared Housing for One-Parent Families program; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the City Council; 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 and is intended solely to expedite expenditure of the aforesaid Community Development funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood hereby confirms 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 #212-10-05-10 - *WITHDRAWN*

**SIMULTANEOUS ACQUISITION AND CONVEYANCE OF PREMISES LOCATED AT
55-63 WEST PALISADE AVENUE AND 9 JAMES STREET
IN THE CITY OF ENGLEWOOD**

Ordinances – Second Reading/Public Hearing:

The following ordinances were approved on first reading at the Regular meeting of the Mayor and Council held on September 21, 2010, and published in the September 23, 2010 edition of the Press Journal. Copies have been available to the public since introduction in the Office of the City Clerk.

ORDINANCE #10-30

ORDINANCE REAPPROPRIATING \$29,794 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE DREDGING OF QUARRY POND LOCATED IN THE CITY OF ENGLEWOOD AND OTHER RELATED EXPENSES IN AND BY THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY

BE IT ORDAINED BY THE 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. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$29,794 of the proceeds of obligations originally made available pursuant to Section 3(a) of Bond Ordinance No. 02-08 of the City of Englewood, in the County of Bergen, New Jersey (the "City"), finally adopted May 7, 2002 is no longer necessary for the purposes for which the obligations previously were authorized.

Section 2. The \$29,794 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide for the dredging of Quarry Pond, including all work and materials necessary therefore or incidental thereto.

Section 3. The capital budget of the City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget 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 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

FIRST READING DATE: SEPTEMBER 21, 2010

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

DATE PUBLISHED IN THE PRESS JOURNAL: SEPTEMBER 23, 2010

DATE PUBLIC HEARING HELD: OCTOBER 5, 2010

DATE SECOND READING HELD: OCTOBER 5, 2010

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

ORDINANCE #10-30- Public Hearing:

- Stephen Wiessner 443 Van Nostrand Avenue – Executive Director of Flat Rock Brook Nature Center, spoke in favor of the Ordinance and mentioned the educational programs that the Center provides to all the schoolchildren in Englewood, which are grant funded. These programs would be in jeopardy if the pond is not dredged because the pond and its environment is central to these programs. Feels that the Flat Rock Brook Nature Center produces a bonus to taxpayers in Englewood because having a nature preserve in the community raises their property values.
- Annette Hollander 282 Sunset Avenue – spoke about what makes Englewood special and feels that is its natural beauty. She chooses to live near Flat Rock Brook Nature Center. The pond is the first thing that visitors see when they pull into the parking lot and it is everyone's first impression of the Center. After 9/11 it was the Quarry Pond at Flat Rock Brook Nature Center where people went for solace.
- Crystal Brown 328 Howell Road – spoke as Chair of the Englewood Environmental Committee and read a statement asking for the City Council to support the Ordinances reappropriating the funds needed to dredge Quarry Pond. Ms. Brown then spoke as a lifelong resident of Englewood and asked the Council to support the dredging of Quarry Pond.
- Henry Pruitt III 501 Liberty Road – is a member of both the Flat Rock Brook Nature Center Board and Board of Education and is in support of Ordinance 10-30. Feels that the funding would not have been effectively spent to clean McFadden Pond and is much better being spent on Quarry Pond.
- Curtis Caviness 41 E. Forest Avenue – stated that the question is not the value of Flat Rock Brook nature Center but the process itself, and how did Quarry Pond become a priority? Asked why the pond next to the school is not being cleaned. Does agree that Quarry Pond should be dredged.
- Michael Shannon 154 St. Nicholas Avenue – feels that while there is value in what Mr. Caviness said about process, the Flat Rock Brook Nature Center is an asset and has an immeasurable positive impact on the City and its residents.
- David Maron 237 W. Hudson Avenue – Flat Rock Brook Nature center volunteer canoes visitors around Quarry Pond on the annual Nature Day. This year he could not even use a paddle and had to pole the canoe around the pond.
- Carlos Aquila 136 Phelps Avenue – as a lifelong resident of Englewood he spoke in favor of the Ordinance ,and reminisced about going to Flat Rock Brook Nature Center as a child. He now takes his niece and nephew there, and feels that the pond is a treasure that needs to be cleaned and preserved.
- Betty Frank 267 E. Linden Avenue – discussed being here at the beginning of the Flat Rock Brook Nature Center when the Green Acres funding was first applied for. The Nature Center is a great public-private partnership. The continued support of the Nature Center is a nice tribute to all the volunteers in the past that created the center out of what was once a quarry and swamp.

ORDINANCE #10-31

ORDINANCE REAPPROPRIATING \$249,597.72 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE DREDGING OF QUARRY POND LOCATED IN THE CITY OF ENGLEWOOD AND OTHER RELATED EXPENSES IN AND BY THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY

BE IT ORDAINED BY THE 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. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$249,597.72 of the proceeds of obligations originally made available pursuant to Section 3(h) of Bond Ordinance No. 07-01 of the City of Englewood, in the County of Bergen, New Jersey (the "City"), finally adopted February 13, 2007 is no longer necessary for the purposes for which the obligations previously were authorized.

Section 2. The \$249,597.72 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide for the dredging of Quarry Pond, including all work and materials necessary therefore or incidental thereto.

Section 3. The capital budget of the City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of

the amended capital budget 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 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

FIRST READING DATE: SEPTEMBER 21, 2010

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

DATE PUBLISHED IN THE PRESS JOURNAL: SEPTEMBER 23, 2010

DATE PUBLIC HEARING HELD: OCTOBER 5, 2010

DATE SECOND READING HELD: OCTOBER 5, 2010

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

ORDINANCE #10-32

**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 Governor of the State of New Jersey has signed into law A559 and S1212 setting forth new Open Public Records Act fees that all public agencies must charge beginning November 9, 2010; and

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 revise the MISCELLANEOUS section as follows:

MISCELLANEOUS

Copies of all other documents, papers, and City records for which no fee provision is made 01-01

\$0.05 per page for letter sized pages and smaller
\$0.07 per page for legal sized pages and larger
Electronic records FREE OF CHARGE (i.e. records sent via e-mail and fax)
Actual cost to provide records in another medium (i.e. computer disc, CD-ROM, DVD)

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: 09/21/2010

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

DATE PUBLISHED IN THE PRESS JOURNAL: SEPTEMBER 23, 2010

DATE PUBLIC HEARING HELD: OCTOBER 5, 2010

DATE SECOND READING HELD: OCTOBER 5, 2010

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

ORDINANCE #10-32- Public Hearing:

- Eugene Skurnick 296 Marlboro Road – spoke in favor of this Ordinance and is glad that the fees are being reduced for OPRA requests.
- Helen Kiphaut 99 Charles Street – requested a copy of the City’s fee Ordinance which lists fees for building permits.
- Curtis Caviness 41 E. Forest Avenue – would like the fee Ordinance put on the City’s website.

ORDINANCE #10-33

AN ORDINANCE AMENDING ORDINANCE NO. 3-19 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 NO. 04-19 AND ORDINANCE NO. 05-19

WHEREAS, Ordinance No. 03-19, as amended, identifies real properties which may be affected by the special assessment; and

WHEREAS, one Block on the Tax Map of the City of Englewood was inadvertently omitted.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Englewood, County of Bergen, that Schedule B of Ordinance No. 03-19, as amended, is hereby further amended to add Block 2519 and read as follows:

Section 1.

SCHEDULE B

REAL PROPERTIES WHICH MAY BE AFFECTED BY SPECIAL ASSESSMENT

Blocks 2509, 2516,2517, 2518, 2519, 2601, 2602, 2603, 2604, all as shown on the current Tax Map of the City of Englewood (generally bounded by the boundary with the Borough of Leonia on the south; the Conrail (formerly Erie Lackawanna Railway Co.) Northern Railroad of New Jersey Branch on the east; West Forest Avenue to the north; and the Overpeck Canal (north of State Highway Route 4) and the boundary with the Township of Teaneck (south of State Highway Route 4) on the west).

Section 2. In the event that 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 should not affect, impair or repeal the remainder of this ordinance.

Section 3. All ordinances or parts thereof, inconsistent herewith, are hereby repealed to the extent of such inconsistency.

Section 4. The City Clerk is hereby authorized and directed to publish a copy of this ordinance in its entirety, once, in the Press Journal, together with the usual legal notice setting forth the date of the introduction thereof and the time and place when and where it will be further considered for final adoption, at which time and place all persons interested shall be given an opportunity to be heard concerning the adoption of said ordinance, at least ten (10) days prior to the time fixed for further consideration and final passage. At least one week prior to such time fixed for further consideration and final passage of such ordinance, a copy thereof, together with a notice of the introduction thereof, and the time and place when and where the ordinance will be further considered for final passage, shall be mailed to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof, so far as may be ascertained, directed to his last known address, by certified mail, return receipt requested, and by regular mail, postage prepaid.

Section 5. This ordinance shall take effect ten (10) days after the publication thereof after its final passage, as required by law, and except as otherwise provided in *N. J. S. A. 40:49-7* to 9.

FIRST READING DATE: SEPTEMBER 21, 2010

COUNCIL	MOTION	VOTE
Algrant		Y
Rosenzweig		Y
Bennett Schoen		Y

Drakeford		Y
Reddin	X	Y

DATE PUBLISHED IN THE PRESS JOURNAL: SEPTEMBER 23, 2010

DATE PUBLIC HEARING HELD: OCTOBER 5, 2010

DATE SECOND READING HELD: OCTOBER 5, 2010

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

ORDINANCE #10-33- Public Hearing:

- Eugene Skurnick 296 Marlboro Road – spoke against this Ordinance and wants a more thorough accounting of what this project will actually cost.

Public Session:

- Michelle Smith 10 Mevan Avenue – asked about status of rebate for Tributary Woods Homeowners Association.
- Nina Bachrach 76 E. Linden Avenue – suggested that the City utilize the talents of residents to provide pro bono services to make the City better. Discussed the State’s Best Practices worksheet and its importance as a tool to help the City operate better and more efficiently.
- Cornelia Rogers 141 Humphrey Street – spoke about trees and that many have come down lately. The City need to be proactive and put preventive measures in place in regard to trees. Spoke about her experience with the Building Department in regard to a tree located at 125 Humphrey Street.
- Curtis Caviness 41 E. Forest Avenue – spoke about Ordinance #10-34 which would set up a Citizen Finance Committee and mentioned that this has been tried in Teaneck and we should reach out to them to see if it worked there.
- Wayne Scott 315 Shepard Avenue – is a City Building Inspector and mentioned that many trees are located on private property and that they are the responsibility of the owner. A neighbor can trim a tree that is impacting their property but not kill it.

RESOLUTION #213-10-05-10

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:
Personnel, Litigation and Real Estate Transactions

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.
- (X) 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.

(X) 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			

ADJOURN: 10:30PM

Motion: Scott Reddin

All in Favor

Lauren Vande Vaarst, RMC
City Clerk