

City of Englewood  
City Council Meeting Minutes

October 19, 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  
    Mayor Frank Huttle III  
    Acting City Manager Robert Gorman  
    City Solicitor William Bailey  
    City Clerk Lauren Vande Vaarst

                         Absent:            City Manager Daniel Fitzpatrick

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 #216-10-19-10

**Honoring Brian Ponton**

**WHEREAS**, Brian Ponton, an Englewood resident and staff member at the Bergen County Housing Health and Human Services Center in Hackensack, is being honored for his heroic actions in saving a life on July 10, 2010; and

**WHEREAS**, Mr. Ponton reacted quickly when he realized that a client at the Bergen County Housing Health and Human Services Center was choking, and utilizing the Heimlich Maneuver was able to dislodge the item causing the choking and saved the client's life; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Englewood, County of Bergen, hereby honors Brian Ponton for his heroic action in an emergency situation and for saving a life and hereby recognizes his commitment to helping others in their time of need.

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

Personnel Commendations- Englewood Fire Department

Executive Session (Committee of the Whole):

1. 55-63 West Palisade Avenue and 9 James Street (**GROUP USA**) – *Withdrawn*
2. Agenda Review
3. Closed session

RESOLUTION #214-10-19-10

**RESOLUTION ACCEPTING MINUTES**

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

COUNCIL MEETING  
October 5, 2010

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

RESOLUTION #215-10-19-10

**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 \$251,082.23.

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			

Communications from the Mayor/Council Members:

Ordinances – Introduction/First Reading:

ORDINANCE #10-34 -

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

**WHEREAS**, citizen advisory committees form an important foundation of the government in the City of Englewood; and

**WHEREAS**, it is in the best interest of the City of Englewood to establish a permanent citizens' advisory committee for finance; and

**WHEREAS**, the City Manager suggests and recommends the establishment of a Citizens' Advisory Committee for Finance.

**NOW, THEREFORE, BE IT ORDAINED** that a permanent Citizens' Advisory Committee for Finance for the City of Englewood is hereby established and will consist of no less than five (5) members and no more than seven (7) members, all residents of the City of Englewood, to serve for three (3) year terms;

**BE IT FURTHER ORDAINED**, that the initial appointment shall be staggered with two-one (1) year terms, three-two (2) year terms and two-three (3) year term;

**BE IT FURTHER ORDAINED**, that the members of the Citizens' Advisory Committee for Finance shall be appointed by the City Council, and that one member shall be designated by the Citizens' Advisory Committee for Finance as Chair; and

**BE IT FURTHER ORDAINED**, that the Citizens' Advisory Committee for Finance shall have the following duties:

1. To advise the Mayor and City Council on appropriate revenue, expenditures and financial policies;
2. To review annual financial statements of the City and report findings to the Mayor and City Council;
3. To review the annual preliminary budgets of the City, including all the funds therein, and report their findings to the Mayor and City Council;
4. To undertake such other studies as shall be assigned to them or as they shall deem appropriate to assure that the financial condition and policies of the City are sound and that the taxpayers are receiving appropriate value.

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

Public Comment on Agenda Items:

- Eugene Skurnick 296 Marlboro Road – sent in suggestions for Ordinance #10-34. In regard to Resolution #222-10-19-10 asked if City provides medical insurance to part-time employees. Feels that CDBG grant applications should not be approved for random groups due to the heavy competition for grant money.
- Sandy Greenberg 449 Liberty Road – stated that medical insurance for elected officials goes back to the late 1970's. Also asked where the property referred to in Res # 217-10-19-10 is located.
- Matt De La Rosa, PBA President , Englewood Police Department – Spoke in opposition to Res# 222-10-19-10 and asked that the resolution be tabled. Some of his membership who retired did so knowing that they would be receiving this benefit and that their children would be covered, and are unhappy that this may be taken away.
- Gabriel Bousbib 296 Thornton Road - read from a State report on financial findings which stated that 20% of the Budget is eaten up by medical insurance costs and pensions. Feels that the gravy train most stop or the City will run out of money to support the departments.
- Eugene Skurnick 296 Marlboro Road – feels that the City Council should support the recommendation of the Acting City Manager and pass Res # 222-10-19-10. Asked if the Council President has the right to pull something off of the agenda without the rest of the Council voting on doing that?

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**

RESOLUTION #217-10-19-10

**AUTHORIZE IDEAL LODGE #470, IBPOE OF THE WORLD APPLICATION  
FOR BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

**WHEREAS**, a Bergen County Community Development grant of \$100,000 has been proposed by Ideal Lodge #470, IBPOE of the World for Renovation Project in the City of Englewood; 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			
<i>Rosenzweig</i>	X	X			
<i>Bennett Schoen</i>		X			

<i>Drakeford</i>		X			
<i>Reddin</i>		X			

RESOLUTION #218-10-19-10

**AUTHORIZE CITY OF ENGLEWOOD APPLICATION  
FOR BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

**WHEREAS**, a Bergen County Community Development grant of \$185,000 has been proposed by the City of Englewood for Road Improvements to W. Linden Avenue and Columbus Avenue in the City of Englewood; 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			
<i>Rosenzweig</i>	X	X			
<i>Bennett Schoen</i>		X			
<i>Drakeford</i>		X			
<i>Reddin</i>		X			

RESOLUTION #219-10-19-10

**AUTHORIZE HENRY DOUGLAS POST #58, AMERICAN LEGION APPLICATION  
FOR BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

**WHEREAS**, a Bergen County Community Development grant of \$40,000 has been proposed by the Henry Douglas Post #58, American Legion for Handicap Accessibility in the City of Englewood; 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			
<i>Rosenzweig</i>	X	X			
<i>Bennett Schoen</i>		X			
<i>Drakeford</i>		X			
<i>Reddin</i>		X			

RESOLUTION # 220-10-19-10

**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 license(s) 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 DISTRIBUTION LICENSE #44**

0215-44-015-010

Englewood Joe II Wines & Liquor, Inc (*Inactive*) 70 Grand Avenue  
t/a Englewood Joe II Wines & Liquor

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

RESOLUTION #221-10-19-10

**Certifying Review of Annual Audit by Governing Body**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, The Annual Report of Audit for the year 2009 has been filed by a Registered Municipal Accountant with the City Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations;

**WHEREAS**, the members of the City Council have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

as evidenced by the group affidavit form of the City Council; and

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit as per the regulations of the Local Finance Board; and

**WHEREAS**, all members of the City Council have received and have familiarized themselves with, at least, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Englewood hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and required affidavit to said Board to show evidence of said compliance; and

**BE IT FURTHER RESOLVED** that the Corrective Action Plan prepared by the Chief Financial Officer, is hereby approved and the Chief Financial Officer shall implement the Plan.

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

RESOLUTION #222-11-09-10 – *WITHDRAWN*

**Amending Chapter 48 Resolution Addendum**

RESOLUTION #223-10-19-10

**Authorize Sale of Special Emergency Notes**

**WHEREAS**, it has been found necessary to make a Special Emergency Appropriation to meet certain extraordinary expenses to be incurred for the preparation and execution of a city wide property reassessment; and

**WHEREAS**, N.J.S.A 40A-53 provides that it shall be lawful to make such appropriation which shall be provided for in succeeding annual budgets by the inclusion of an appropriation of not less than one-fifth of the amount authorized pursuant to this act;

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Englewood, that in accordance with N.J.S.A. 40A:4-53,

1. A special emergency appropriation is hereby made for the preparation and execution of a city wide property reassessment in the total amount of \$250,000;
2. That Special Emergency Notes not in excess of the amount authorized may be provided;
3. That Special Emergency Notes shall be executed by the Chief Financial Officer;
4. That said note may be renewed from time to time and such notes and any renewals thereof shall be paid in the amount of not less than one-fifth of the total amount appropriated by this resolution in each year after authorization thereof;
5. That two certified copies of this resolution be filed with the Director of Local Government Services.

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

RESOLUTION #224-10-19-10

**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			

**Public Session:**

- James Cohen 435 Lewelen Circle – discussed the tree that fell on Grand Avenue during the March storm and left a 6 foot stump with the sidewalk lifted.
- Eugene Skurnick 296 Marlboro Road – spoke about the current financial crisis and that the Mayor and Council are being proactive in regard to the crisis. Will be writing to the City Manager to request that all expenditures and capital improvements be frozen. Also asked what is the to-date amount spent on Police overtime.
- Jeanne Hopewell 380 Liberty Road – the pipe is still protruding from the sidewalk on Liberty Road and asked why it has not been removed yet.
- Curtis Caviness 41 E. Forest Avenue – spoke about the uprooted tree on Grand Avenue and asked what we did before FEMA. Also asked why after 3 years that the burned out house on the corner of E. Forest Avenue and Mary Street still has not been torn down.
- Alva Jones 87 Dubois Court – Spoke about seeing the uprooted tree on Grand Avenue every day. It is a hazard and winter is coming so it needs to be taken care of.
- Cornelia Rogers 141 Humphrey Street –asked why the City does not have an Ordinance in place to deal with trees and these situations. Inquired as to whether or not the Master Plan has been finalized and by whom. Also asked about Charter change and feels that it is in the best interest of the City to go back to a form of government where the Mayor and Council run the City.
- Sue Gamrin 405 Murray Avenue – spoke about Ordinance#10-34 and asked what the Council envisions for the Finance Committee, and what are the qualifications for members. What other Advisory Committees does the City have?
- John Edwards (former resident) – inquired as to the status of the Ice Rink Committee and the possibility of having roller skating there as well as ice skating.
- Sandy Greenberg 449 Liberty Road – mentioned that when the Ice Rink was built there was consideration given to having roller skating there as well but it never came to fruition. Spoke about former Mayor Bob Miller who only believed in using renowned architects to design buildings for the City, and we should consider that for the new Firehouse. In the 1960s parents took their children out of Lincoln School and held classes in their homes called Freedom Schools as a way to force integration of the City's schools.
- Jerry Chambers 294 Garden Street – commended the Mayor on forming his Budget and Finance Committee. Has seen his taxes double since he moved to Englewood from Passaic 13 years ago. As an Insurance professional he asked if the City has compared other Health Plans to the State Health Plan. The Ice Rink really needs to be looked at in regard to better utilizing the property for the City's youths.
- Carter Jackson – the Ice Rink is rented by a community group every three (3) years and he wants to know why they were told that they cannot work directly with Larry Reid on the rental anymore and now have to work with the Recreation Department.

**ADJOURN: 10:30PM**

Motion: Scott Reddin  
All in Favor

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Lauren Vande Vaarst, RMC  
City Clerk