

City of Englewood
City Council Meeting Minutes

November 9, 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
City Manager Daniel Fitzpatrick
City Solicitor William Bailey
City Clerk Lauren Vande Vaarst

Volunteer Recognition Ceremony: Recognizing volunteers of the City of Englewood for their long-time service and dedication to the City and their fellow residents.

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.

Executive Session (Committee of the Whole):

1. Police Promotions (Daniel Fitzpatrick)
2. Annual Audit Review (Chuck Ferraioli)
 - a. Net debt of City is reasonable and within the guidelines of what is appropriate for a City of this size.
 - b. The City needs to make a decision on Liberty School and get it off of the books. The net debt will then drop even lower.
 - c. Recommends that in this economic climate it is best to bond as much debt as possible and stretch the bonding over as long a time period as possible.
 - d. Tax collections were up and Revenues were down in 2009 as they were for the majority of municipalities in the State.
 - e. He recommends that the City has a back up for the CFO in regard to his duties as IT Manager.
 - f. Commented on Parking Garage Reconciliation process.
 - g. Council comments and questions on 2009 Audit.
 - h. Howard Feinstein, CFO gave an overview of the Corrective Action Plan for the 2009 Audit.
3. 55-63 West Palisade Avenue and 9 James Street (**GROUP USA**) – Bill Bailey
 - a. City Solicitor, Bill Bailey explained the need to execute the agreements and convey the property.
 - b. Longwood Realty is the actual owner of the property and not the City. They did lease the property to the City who in turn leased it to Group USA. Group USA improved the property and has been paying full taxes on it and will continue to do so after the property has been conveyed to them.
 - c. Howard Berner, representative from Group USA explained that they own the building and it is only the land that is being conveyed.
4. Reverse online auction for natural gas supply
 - a. City will be participating in this in order to save money on natural gas and electricity.
 - b. Will be discussed further as an item of Contract Negotiations during the Closed Session.
5. Agenda Review
6. Closed Session

RESOLUTION #225-11-09-10

RESOLUTION ACCEPTING MINUTES

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

COUNCIL MEETING
October 19, 2010

COUNCIL WORK SESSION
October 12, 2010

CLOSED SESSION
August 24, 2010
September 7, 2010
October 5, 2010

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Rosenzweig</i>		X		8/24/10 & 10/12/10	
<i>Bennett Schoen</i>		X			
<i>Drakeford</i>		X			
<i>Reddin</i>		X			

RESOLUTION #226-11-09-10

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 \$1,461,860.09.

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 #10-35

**ORDINANCE AUTHORIZING THE LEASE OF A PORTION OF
LOT 2 IN BLOCK 2604 FOR THE LOCATION OF
A CELLULAR COMMUNICATIONS TOWER**

WHEREAS, the City has leased a portion of Lot 2 in Block 2604 on Cedar Lane since September 1990 for use as the location for a cellular communications tower; and

WHEREAS, that lease and the option periods there under have expired and the continued use of the property for that purpose requires a competitive bid under the provisions of the Local Lands and Building law (N.J.S.A. 40A:12-14).

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 lease of a portion of Lot 2 in Block 2604 under a competitive bid for use as a cellular communications tower and equipment building is hereby authorized.

Section 2. The term of the lease shall be for an initial period of ten years with two five (5) year option periods and the minimum bid for the annual rent in the first year of the lease shall be \$42,000 with annual increases based on the increase in the Consumer Price Index for the New York-Northern New Jersey Region. Provisions shall be made in the bid documents for additional rent in the event that there are future co-locations on the communications tower.

Section 3. The City Manager is authorized to prepare bid documents and advertise for bids in accordance with law upon adoption of this ordinance. The City reserves the right to reject all bids if deemed in its best interests.

Section 4. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect upon passage and publication as required by law.

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

Ordinances – Second Reading/Public Hearing:

The following ordinance was approved on first reading at the Regular meeting of the Mayor and Council held on October 19, 2010, and published in the October 21, 2010 edition of the Press Journal. Copies have been available to the public since introduction in the Office of the City Clerk.

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.

FIRST READING DATE: OCTOBER 19, 2010

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

DATE PUBLISHED IN THE PRESS JOURNAL: OCTOBER 21, 2010

DATE PUBLIC HEARING HELD: NOVEMBER 9, 2010

DATE SECOND READING HELD: NOVEMBER 9, 2010

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

Public Comment on Agenda Items:

- Curtis Caviness 41 E. Forest Avenue –asked if there are any other consulates in Englewood that Resolution #229 would affect.

Resolution #227-11-09-10

State Contract Purchase- DPW Truck Chassis

WHEREAS, vehicles for use by departments of public works have been bid by the State of New Jersey under its Cooperative Purchasing Program; and

WHEREAS, the City of Englewood is a participant in the State Cooperative Purchase program and has the requirement for three (3) 2011 Ford truck chassis that will be outfitted with dump bodies, snow plows, salt spreaders and other equipment, which is currently being bid, to create functional units; and

WHEREAS, funds are available for this purchase from Capital Ordinance # 10-28 and the Chief Financial Officer has provided a certification to this effect.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the City Manager is authorized to enter into a contract for the purchase of one (1) crew cab Ford F450 truck chassis with limited slip differential from DFFLM, LLC, Flemington, New Jersey under State Contract A73962 for \$30,183.00; and the purchase of two (2) regular cab Ford F450 truck chassis with limited slip differential from Warnock Automotive, Inc., East Hanover, New Jersey under State Contract A73961 for \$23,909.00 per each.

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 #228-11-09-10

Cancellation of Taxes on The Nigerian Consulate

WHEREAS, the properties known as 385 Lantana Avenue, 457 West Hudson Avenue, 372 West Hudson Avenue, 205 Tryon Avenue also known as Block 204 Lot 19, Block 103 Lot 14.01, Block 109 Lot 16 and Block 504 Lot 9 respectively in the City of Englewood are owned by The Nigerian Consulate; and

WHEREAS,; the Nigerian Consulate has obtained exemption from taxes in accordance with the Office of Foreign Missions and the Department of State ruling regarding foreign governments in the United States used to house members of the staff of their consular posts effective June 23, 2009; and

WHEREAS, the city solicitor has handed down his legal opinion regarding the exempt status of the aforesaid properties; and

WHEREAS, no refund of any taxes paid prior to this ruling is deemed to be refundable; and

WHEREAS, the tax collector has received sufficient documentation to support the exempt status request for the tax year 2009 on any remaining balances of the aforementioned properties. The tax collector recommends that the tax balance of \$15,306.11 for 2009 and the 2010 taxes of \$31,779.31 totaling \$47,085.42 on the above properties be cancelled;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the unpaid charges on these properties are hereby cancelled.

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 #229-11-09-10

Authorize Award of Contract for Cleaning and Removal of Debris from the Overpeck Creek Culvert

WHEREAS, quotations were received from three vendors for the cleaning and removal of debris from the Overpeck Creek box culvert between Tallman Place and a point approximately one hundred and fifty feet south of Palisades Avenue; and

WHEREAS, the quotation received from Montana Construction, 80 Contant Avenue, Lodi, New Jersey 07644 for the sum of \$24,000 was determined to be the low bid and is in compliance with the specifications; and based on the recommendation of the City Engineer, can be accepted by the City Council; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

WHEREAS, Montana Construction will complete and submit a Business Entity Disclosure Certification and a Political Contribution Disclosure Form certifying that the firm has not made or will make any reportable contributions that would bar the award of this contract under the provisions of N.J.S.A. 19:44A-1 et seq. and City of Englewood Ordinance No. 07-31; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by Montana Construction is hereby accepted.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute an agreement between the City of Englewood and Montana Construction for the cleaning and removal of debris from the Overpeck Creek box culvert in accordance with the specifications.

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 #230-11-09-10

Authorize Rejection Of Bid "Supplementary Snow Plowing Services"

WHEREAS, sealed bids were received on October 21, 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.

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 #231-11-09-10

RESCIND AWARD OF CONTRACT FOR EMERGENCY CURB AND SIDEWALK REPLACEMENT PROJECT

WHEREAS, sealed bids were received on June 9, 2010 for the Emergency Curb and Sidewalk Replacement 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 Cedar Contracting Co., 621 N. Union Avenue, Hillside, New Jersey 07205 for the sum of \$44,400.00 was determined to be the low bid and in compliance with the specifications; and based upon the recommendation of the City Engineer, were awarded a contract by the City Council at the meeting of July 6, 2010; and

WHEREAS, and Cedar Contracting Co., in the attached letter dated October 21, 2010 has requested to be released from their contract obligations for the project; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the request for release be hereby granted and the contract award be rescinded.

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 #232-11-09-10

**AUTHORIZING AWARD OF CONTRACT
FOR EMERGENCY CURB AND SIDEWALK REPLACEMENT PROJECT**

WHEREAS, sealed bids were received on June 9, 2010 for the Emergency Curb and Sidewalk Replacement 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 contract was originally awarded to Cedar Contracting Co., 621 N. Union Avenue, Hillside, New Jersey 07205, who requested and were hereby released from their contract obligations for the project; and

WHEREAS, the bid submitted by A. Takton Concrete Corp., 13 Tice Avenue, South River, New Jersey 08882 for the sum of \$46,320.00 was determined to be the second low bidder 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 A. Takton Concrete Corp. 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 A. Takton Concrete Corp. for the Emergency Curb and Sidewalk 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 sources:

- Ordinance 09-13(c)

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 #233-11-09-10

**AUTHORIZING AWARD OF CONTRACT
FOR GARAGE ENTRANCE LIGHTING PROJECT**

WHEREAS, quotations were obtained for the Garage Entrance Lighting 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 East-West Electrical Contractors, Inc., 19 Tyson Place, Bergenfield, New Jersey 07621, for the sum of \$23,725.00 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, pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

WHEREAS, East-West Electrical Contractors, Inc. will complete and submit a Business Entity Disclosure Certification and a Political Contribution Disclosure Form certifying that the firm has not made or will make any reportable contributions that would bar the award of this contract under the provisions of N.J.S.A. 19:44A-1 et seq. and City of Englewood Ordinance No. 07-31; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by East-West Electrical Contractors, 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 East-West Electrical Contractors, Inc., for the Garage Entrance Lighting 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 04-12(b)

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 #234-11-09-10

**Authorize Family Teen Center Application for
Bergen County CD Block Grant
of \$53,105 for Operations of Youth at Risk Prevention Program**

WHEREAS, a Bergen County Community Development grant of \$53,105 has been proposed by the Family Teen Center for Operations of Youth at Risk Prevention 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; and

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

RESOLUTION #235-11-09-10

Authorize Family Teen Center Application for

**Bergen County CD Block Grant
of \$680,100 for Project Expenses for the Youth at Risk Prevention Program**

WHEREAS, a Bergen County Community Development grant of \$680,100 has been proposed by the Family Teen Center for Project Expenses for the Youth at Risk Prevention 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; and

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

RESOLUTION #236-11-09-10

**Authorize Family Teen Center Application for
Bergen County CD Block Grant
of \$60,000 for Renovations for the Youth at Risk Prevention Program**

WHEREAS, a Bergen County Community Development grant of \$60,000 has been proposed by the Family Teen Center for Renovations for the Youth at Risk Prevention 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; and

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

RESOLUTION #212-11-09-10

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

WHEREAS, Council of the City of Englewood following a hearing and recommendation thereon by the Planning Board of the City of Englewood declared the Armory Street Renewal Area ("ASTRA") as an area in need of renewal and rehabilitation and development; and

WHEREAS, following referral to the Planning Board and receipt of a favorable recommendation the City Council adopted Ordinance 97-31 "An Ordinance Establishing a Redevelopment Plan and Designating the City Council of the City of Englewood to Act as the Redevelopment Entity for the West Palisade Avenue Project within the Armory Street Renewal Area" (the "Ordinance") on November 18, 1997; and

WHEREAS, by Resolution dated May 19, 1998, the City Council of the City of Englewood found and determined that the Premises located along James Street, known as Lot 9 in Block 609 as shown and designated on the tax map of the City of Englewood constituted an area in need of rehabilitation; and

WHEREAS, pursuant to the Ordinance, the City Council is authorized to negotiate and contract for the acquisition of any property within the redevelopment area and to convey such property to any other person, without public bidding, and at such prices and upon such terms as deems reasonable, in conjunction with the Redevelopment Plan; and

WHEREAS, pursuant to the Ordinance the City entered into an Agreement of Lease dated January 7, 1998 with Longwood Realty LLC ("Longwood") as Landlord and the City as Tenant for the lease of certain property located 55 to 63 inclusive West Palisade Avenue and 9 James Street in the City of Englewood, County of Bergen and State of New Jersey ("Premises") which Premises are more particularly described in the Agreement of Lease ("Lease"); and,

WHEREAS, an Agreement was entered into between the City of Englewood, the Englewood Economic Development Corporation and Group USA, Inc. dated January 30, 1998 for the redevelopment of the Premises, and the sublease of the Premises by the City to Group, USA, Inc., which Agreement provided for the conveyance of the Premises by the City to Group, USA, Inc. at then end of the term of the Lease, provided that Group, USA, Inc. had performed all of the obligations required under the Agreement, for the sum of \$1.00; and,

WHEREAS, Group USA, Inc. and 55 West Palisade entered into an Assignment, Assumption and Indemnification Agreement dated January 1, 2000 pursuant to which Group, USA, Inc. assigned all of its right, title, and interest under the Agreement, including the right to acquire title to the Premises, to 55 West Palisade Avenue LLC ("Assignment"); and,

WHEREAS, the Agreement was amended by an Amendment to Agreement dated August 18, 2003 ("Amendment"), specifically Section 13 of the Agreement, relating to Use and Ownership of certain parking spaces as defined therein; and,

WHEREAS, the term of the Lease expired as of June 30, 2010 and all contingencies and obligations of the respective parties to the Lease and Agreement (as amended Assignment) have been met for the conveyance of the property from Longwood to the City, and in turn from the City to 55 West Palisade Avenue; and,

WHEREAS, the City Council resolved and made finding in favor of the acquisition of the Premises and the resale thereof to 55 West Palisade Avenue (as assignee of Group, USA, Inc.) in the November 3, 1999 Resolution to promote the public health, safety, morals and welfare and to assist in the revitalization of the downtown area.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey pursuant to the provisions of Ordinance 97-31, as amended, as follows:

(a) The City Council hereby authorizes the City of Englewood to acquire and reconvey the Premises located at 55-63 West Palisade Avenue and 9 James Street, identified as Block 610, Lot 19.01 as shown on the tax map of the City of Englewood including but not limited to; and,

(b) The City Manager is hereby authorized to execute, and the City Clerk to attest to any and all documents, a furtherance of this Resolution including but not limited to Deed(s), together with any appropriate Affidavits/Certifications required for recording of same on the terms consistent with Ordinance 97-31 and the Lease and Agreement (as assigned and amended) ; and,

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized to cause a brief notice to be published once in the Press Journal newspaper and that the Resolution is on file and available for public inspection in the Office of the City Clerk.

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 #222-11-23-10 – WITHDRAWN

Amending Chapter 48 Resolution Addendum

Public Session:

- Gabriel Bousbib 296 Thornton Road – commented on Police Promotions and that they should have been done within the context of the upcoming contract renegotiation. While he does feel that the police deserve the promotions the City cannot bear the financial burden at this time. The City Council needs to give the City Manager more guidance.
- James Cohen 435 Lewelen Circle – spoke about the Mayor and how hard he works and feels that a salary line should be added to the Budget to cover the Mayor's Assistant.
- Alva Jones 87 Dubois Court – has a problem with the construction vehicles that are being parked behind King's Garden rather than in the City's garage and she is discussing this with the Police Chief. Ms. Jones also thanked the Mayor for his concern and work for the people. Feels that Councilman Drakeford deserves respect and should be allowed to speak without interruption.
- John Edwards (former resident) – asked for an update on the Ice Rink Committee and if Councilman Rosenzweig had looked over his proposal regarding roller skating there. Mr. Edwards has spoken with United Skate and they are interested in putting forth a proposal to the City to run the rink as a roller skating venue.
- Sam Pessar 191 E. Linden Avenue – expressed his disappointment in regard to the police promotions especially in these difficult economic times. Citizens are opposed to any tax increases and want to see a decrease in their taxes.
- Elizabteh Schwartz 324 Oakwood Road – is opposed to the police promotions. She is a full time working mom and her company has not given raises in 3 years. The City needs to reduce taxes and really look at what they are doing.
- Harry Reidler 263 Hutchinson Road – spoke about the statistic that the Council President quoted regarding tax increases, and he does not feel that Englewood should be proud of our standing within the highest taxed County in the Country. Also discussed police pensions.
- Howard Shafer 89 Spring Lane - thanked the City Council and the Mayor for all they are doing for the residents. Asked about police promotions and if the recently promoted officers will get raises. Since the current contracts expire soon will these officers get raises in the new contracts? He was informed that they will. Asked why the promotions could not be held off until the new contracts were settled. Inquired into how much the City is saving because of going green.
- Joelle Culvert Forest Park Gardens – asked about the Ice Rink in regard to an article that was in The Record.
- Norman Gorlyn 150 Madison Avenue – his tax bill has gone up 95% since he moved to Englewood, and he feels that it is because of the Party that is in charge of this City and the County of Bergen. City needs to hold the line on personnel in the budget.
- Carla Burke 20 Grant Street – asked how much money is being saved by changing the streetlights. The new lights are very dark and don't provide a wide enough area of illumination. What can be done about the businesses whose alarms go off at all hours of the day and night?
- Michael Cohen 181 Madison Avenue – thanked everyone for their warm wishes on his election to the City Council. We should speak about Englewood not in light of other towns, but as to how we can improve and make Englewood better. The police promotions are not about the individual officers but about the confidence that the City's government is doing what is right and appropriate for the residents. The City needs more openness and communication, and should allow more time for public disclosure and discourse so everyone works together.
- Curtis Caviness 41 E. Forest Avenue – in regard to Ordinance # 10-35, he asked where these cellular towers are located. A disconnect exists between saving money and raising taxes in this City. In regard to the police promotions he asked about the Assistant City Manager's quote in The Record article about the process for promotions. The management of the City is not informing the City Council. Government is based upon a public trust.
- Fred Horowitz 180 South Woodland Street – stated that a new wind is blowing in Englewood. The City Council should fire the City Manager and divide his salary among them and that they should take over the daily operations of the City.
- Sandy Greenberg 449 Liberty Road – explained that the City Charter can be changed but it can be done the way the previous speaker requested. The City Manager is responsible for the day to day operations of the City and the City Council is the legislative branch.

RESOLUTION #237-11-09-10

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:

Contract Negotiations, Personnel, and 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.
- (X) 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.

(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: 11:00PM

Motion: Scott Reddin

All in Favor

Lauren Vande Vaarst, RMC
City Clerk