

City of Englewood
City Council Meeting Minutes

December 7, 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 Jack Drakeford
Mayor Frank Huttle III
City Manager Daniel Fitzpatrick
Assistant City Manager Robert Gorman
City Solicitor William Bailey
City Clerk Lauren Vande Vaarst

Absent: Council member Charlotte Bennett Schoen

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.

Presentations:

RESOLUTION #254-12-07-10 Honoring the CODES Club of the Dwight Englewood School for Sponsoring an Annual Thanksgiving Food Drive

- Council President Scott Reddin, former President of the Board of Trustees for the Center for Food Action, wanted the CODES Club recognized for their hard work on the Food Drive.
- Co-Presidents of CODES thanked the Mayor and City Council for this recognition.
- Diane Christian, CODES Club Faculty Advisor, thanked former Dwight Englewood School teacher and Englewood resident Doris Gelman for being the originator of the Thanksgiving Food Drive.

Executive Session (Committee of the Whole):

1. DPW Calendars- Clyde Sweatt
 - a. Are mailed to each resident and provide information on services and pick up schedules.
 - b. In 2010 the procedure for picking up refuse on Holidays, and the new procedure was to just skip that day's pick up.
 - c. Wards 1 & 3 – Mondays and Thursdays
 - d. Wards 2 & 4 Tuesday and Fridays
 - e. For 2011, 9 out of 12 Holidays will be falling on Mondays and Thursdays. This will severely impact Wards 1 & 3.
 - f. Presenting 3 options:
 - Rotate schedule each year – Clyde does not recommend this because it will create a lot of confusion.
 - On the 3 Summer Holidays, use those to make up on missed pickups, but the City will incur \$20,000 in overtime costs – Clyde does not recommend.
 - Go back to the schedule used prior to 2010. On Holiday weeks suspend Recycling pickups and shift the schedule so all Wards will still get 2 pickups of refuse in those weeks. Also keep Recycling Center open 4 days that week for residents to drop off – Clyde does recommend this option.
 - g. Comments from Mayor and Council:
 - Councilman Rosenzweig stated that there were many complaints from the 1st Ward this year, and that option 3 is a good idea. Thanked Clyde for the well done analysis. Suggested using Reverse 911 system to generate calls during the 1st quarter of 2011 to remind residents of shift in pickup days during Holiday weeks.
 - Council President Reddin asked if there were 1 to 2 weeks during the year where there are back to back holidays. Clyde said that in 2011 there will be 1 week with 2 Holidays in it. That week each Ward will have only 1 pickup but the Recycling Center will be open on the remaining days.
 - Councilwoman Algrant also feels that option 3 is the best choice and suggested utilizing email blasts as another way to alert residents.
 - Councilman Drakeford agreed that option 3 is the best and believes that the most pickups that can be

provided to each resident is what is important.

2. Contracts for Auxiliary Snow Plowing- Clyde Sweatt
 - a. For outside contractors to assist with snow & ice removal on dead ends and cul-de-sacs.
 - b. There will be at least one additional contract at the next Council meeting.
 - c. Utilizing these outside contractors will help DPW stay on top of the storms.
 - d. Comments from Mayor and Council:
 - Mayor Huttle asked if they have a work plan that will provide for an effective snow removal. Clyde said that they do and will be ready.
 - Councilman Drakeford does not feel the City can afford to purchase equipment that can only be used for specialized purposes and that we need multipurpose equipment. Clyde confirmed that the equipment being purchased in Resolution #250 will not only be effective in snow removal but will also allow the City to move recycling more effectively and for a cheaper cost.
 - Councilman Drakeford asked if we have an employee that can operate a roll-off hoist. Clyde said that we do have an employee who is experienced with this type of equipment.
 - Councilwoman Algrant asked if in the contracts contain a minimum number of hours per storm that we are required to pay them for. Clyde said there is not, and all contractors are required to be available 24 hours per day 7 days a week.
3. Modification of Contract for School Budget Consultant- Dan Fitzpatrick
 - a. Resolution #253 is on the agenda because the work that the consultant did for the City Council in regard to the defeated school budget far exceeded the original contract.
 - b. Recommends that Council reimburse the consultant.
4. Agenda Review
5. Closed Session

RESOLUTION #247-12-07-10

RESOLUTION ACCEPTING MINUTES

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

COUNCIL MEETING
November 23, 2010

CLOSED SESSION
November 23, 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 #248-12-07-10

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 \$1,505,478.10.

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 – First Reading/Introduction:

ORDINANCE #10-36

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, ORDINANCE NO. 05-19 AND ORDINANCE NO. 10-33

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

WHEREAS, as the result of the construction of the Route 4 access road, the property was sub-divided and a new Block 2605 was created that is not listed in the earlier ordinances.

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 2605 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 and 2605, 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*.

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

Public Comment on Agenda Items:

- Elle Kelly 350 Shepard Avenue – spoke about Resolution #247 and asked if the bubble over the tennis courts was approved and is concerned that the City does not regulate 501C3 entities properly.
- Mary Heveran– 562 broad Avenue, Leonia, Mayor – spoke as a teacher at Dwight Englewood School on behalf of Resolution #254. The CODES Club is an excellent organization and involves the entire school community. Appreciates that the City Council is recognizing their good works.

RESOLUTION #249-12-07-10

**AUTHORIZE INSERTION OF AN ITEM OF REVENUE AND
AN OFFSETTING ITEM OF APPROPRIATION IN THE 2010 BUDGET**

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of a municipality when such item was made available by law and amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the City of Englewood has received notice of grant awards from various State of New Jersey and Bergen County agencies and wishes to amend the 2010 budget to include this amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the total sum of \$15,000.00 which is now available as revenue from:

Miscellaneous Revenues	
Special Items of General Revenues Anticipated with Prior Written Consent of the Director of the Division of Local Government Services:	
Revenues:	
NJLM Educational Foundation	
2010 Sustainable Jersey Small Grant	\$10,000.00
National Recreation & Park Association	
Take Me Fishing Grant	\$ 5,000.00

BE IT FURTHER RESOLVED that a like sum of \$15,000.00 is hereby appropriated under the caption of:

General Appropriations	
Operations Excluded from CAPS	
NJLM Educational Foundation	
2010 Sustainable Jersey Small Grant	\$10,000.00
National Recreation & Park Association	
Take Me Fishing Grant	\$ 5,000.00

BE IT FURTHER RESOLVED that the City Clerk is authorized to forward two certified copies of this resolution to the Director of Local Government Services for approval.

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 #250-12-07-10

**AUTHORIZE AWARD OF CONTRACT FOR PURCHASE OF
ONE (1) TRUCK WITH SPECIFIED EQUIPMENT**

WHEREAS, sealed bids were received on November 10, 2010 for the purchase of One (1) Truck with Roll-off Hoist, plow, salt spreader, pre-wetting system, one (1) 20 cubic yard container and one (1) 30 cubic yard container in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids received were as follows:

Company	Total Price
M.T.C. Kenworth Ridgefield Park, NJ 07660	\$219,278.00
Beyer Bros. Fairview, NJ 07022	\$220,108.47

WHEREAS, the bid submitted by M.T.C. Kenworth is in compliance with the specifications and based upon the recommendation of the Purchasing Agent, 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;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the base bid submitted by M.T.C. Kenworth 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.T.C. Kenworth for the purchase of One (1) Truck with Roll-off Hoist, plow, salt spreader, pre-wetting system, one (1) 20 cubic yard container and one (1) 30 cubic yard container in accordance with the specifications therefore.

The Chief Financial Officer's Certificate of Availability of Funds is on file in the office of the City Clerk.

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 #251-12-07-10

Authorize Award of Contract for Auxiliary Snow Plowing and Ice Removal

WHEREAS, sealed bids were received and rejected twice, for "Supplementary Snow Plowing Services" in accordance with specifications therefore and following public advertisement thereof pursuant to law; and

WHEREAS, upon the rejection of the second set of bids, the City of Englewood is now able to negotiate directly with vendors for these services; and

WHEREAS, an agreement has been negotiated with Better Image Landscaping for the provision of four (4) one ton pickup trucks equipped with snow plows, salt spreaders and operators to be available during snow and/or ice removal operations at an hourly rate of \$190.00, this rate is lower than those in the previously rejected bids;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that that the hourly rate submitted by Better Image Landscaping 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 Better Image Landscaping for the provision of four (4) one ton pickup trucks equipped with snow plows, salt spreaders and operators to be available during snow and/or ice removal operations in accordance with the specifications therefore.

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 #252-12-07-10

AUTHORIZING AWARD OF CONTRACT FOR SANITARY AND STORM TV INSPECTION PROJECT

WHEREAS, quotations were obtained for the Englewood Sanitary and Storm TV Inspection Project in accordance with specifications therefore; and

WHEREAS, specifications were sent and quotations were sent to four vendors and only one was received, copies of the quote and fax verifications are attached; and

WHEREAS, the quotation submitted by Oswald Enterprises Inc., 161 East Road, PO Box 126, Belford, New Jersey 07718 for the sum of \$4,496.00 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 Oswald Enterprises 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 Oswald Enterprises Inc., for the Englewood Sanitary and Storm TV Inspection 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 #253-12-07-10

MODIFICATION OF CONTRACT FOR SCHOOL BUDGET CONSULTANT

WHEREAS, the City of Englewood required the services of a School Budget Consultant for the review of the 2010-2011 defeated Englewood Public School District Budget; and

WHEREAS, on the recommendation of the Mayor and the City Manager, the City Council determined, based on professional experience, expertise and reputation, and awarded a contract for such services to Suplee, Clooney & Company, Certified Public Accountants, 308 East Broad Street, Westfield, New Jersey 07090; and

WHEREAS, the City of Englewood originally awarded this contract as Resolution #097-04-28-10; and

WHEREAS, the original value of this contract was not to exceed \$4,500 and due to the unforeseen additional work that was required of the School Budget Consultant that the original value of this contract be modified not to exceed \$7,500; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to award this contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, State of New Jersey that the professional services contract awarded to Suplee, Clooney & Company, Certified Public Accountants to provide services as a School Budget Consultant has been modified so that the value of the contract is not to exceed \$7,500.

BE IT FURTHER RESOLVED, that a copy of the within resolution, together with a copy of the Agreement, be on file in the Office of the City Clerk and be available for public inspection during regular business hours; and

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		
<i>Huttle</i>		X			

RESOLUTION #254-12-07-10

Honoring the CODES Club of the Dwight Englewood School for Sponsoring an Annual Thanksgiving Food Drive

WHEREAS, CODES (Community Outreach [at the] Dwight Englewood School) Club has been sponsoring an Annual Thanksgiving Food Drive for the past 12 years to benefit the Center for Food Action in Englewood, NJ; and

WHEREAS, the CODES Club is made up of students in grades 9 -12 and is under the direction of teachers, Shari Berk and Diane Christian; and

WHEREAS students from all three divisions of the Dwight Englewood School are encouraged to participate by donating non- perishable food items, toiletries, money and/or gift cards to the annual Thanksgiving Food Drive. This years' food drive saw a tremendous increase in donations and the CODES Club was proud to present a truckload of donations along with a check totaling more than \$1,500 to the Center for Food Action at the school's Thanksgiving Assembly.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood, County of Bergen, hereby honors the Dwight Englewood School CODES Club, for their long time and ongoing support to the Center for Food Action and the City of Englewood.

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 #255-12-07-10

SCHEDULE OF RE-ORGANIZATION MEETING FOR 2011

BE IT RESOLVED by the City Council of the City of Englewood that the Annual Reorganization Meeting for the year 2011 will be held on Tuesday, January 4, 2010, at 6:30 PM at the Englewood Municipal Court located at 73 South Van Brunt Street.

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

Public Session:

- Elle Kelly 350 Shepard Avenue – wants the City Council to change its practices so that council members of other faiths' religious laws do not impact on the business of the City Council and the residents. He feels that the City Council is Anti-Veteran and Anti-American. Also asked why the City Council is still holding the \$5 million dollars from the Board of Education.
- Rosemary Scott 315 Shepard Avenue – asked if the City's application for the Energy grant worth \$20,000 will be submitted before the December 31, 2010 deadline. Councilwoman Algrant explained that the energy audit by the approved consultant has already been completed and we will meet the deadline. Also asked if the Council and the Administration have looked at other ways to reduce the Budget and mentioned programs such as the "pay as you throw" program from the USEPA. Inquired as to how much the filming of tonight's Council Meeting is costing and what will be the cost going forward, and when will the Council make a decision to film permanently. Mayor explained that tonight's filming is free and the cost has not yet been determined in regard to future filming.
- Norman Gorlyn 150 Madison Avenue – asked how many surveillance cameras are there in the City, specifically on streetlights. Chief O'Keefe explained that we do not them due to lack of funding. Also asked if the letter regarding the reassessment can include additional information. Has also determined that Englewood's per capita budget is \$5 million dollars in excess of what neighboring towns are.
- Carter Jackson Teaneck – inquired about Club liquor licenses and if the next Council meeting will be filmed.
- Cornelia Rogers 141 Humphrey Street – glad to see that DPW is going back to the old pickup schedule. Asked for the State Law which prohibits the public from bringing their garbage directly to the DPW yard. Also inquired about three items on the Bills and Claims list.

RESOLUTION #256-12-07-10

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, Real Property, and Contract Negotiations

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.
- () 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: 10:00PM

Motion: Scott Reddin

All in Favor

Lauren Vande Vaarst, RMC
City Clerk