

City of Englewood  
City Council Meeting Minutes

December 21, 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 (arrived at 9:10PM)  
Council member Charlotte Bennett Schoen  
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

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. Vicente K. Tibbs Center – Public Donor Share Funds (Daniel Fitzpatrick)
  - The consensus of the City Council is to approve this and allow the City Manager to process the paperwork.
2. Presentation to Councilwoman Charlotte Bennett Schoen
  - NJ State Senator Loretta Weinberg and Assemblywoman Valerie Huttle presented a Proclamation from the State Legislature.
  - Senator Weinberg spoke about how much more difficult it is to work at the local level in government than at the State level, and commended Councilwoman Bennett Schoen for her outstanding service to the residents of Englewood, and for always speaking up for those that she served.
  - Assemblywoman Huttle read the Proclamation, and spoke about Councilwoman Bennett Schoen's work on behalf of victims of domestic violence and children. Pleased to see that she will be continuing that good work in India.
  - Councilwoman Bennett Schoen thanked them for the Proclamation and for their lovely comments. Has enjoyed her six 96) years on the Council and explained that she will be going to India for 2 months as part of a global justice program and will be working with young women to keep them in school and off the streets.
3. Budget Transfers for the 2010 Budget (Daniel Fitzpatrick)
  - Reviewed memo from Howard Feinstein, CFO.
  - Councilwoman Bennett Schoen asked a question regarding transfer for Planning Board.
  - Council President Scott Reddin commended the Police Department on substantially reducing overtime costs.
4. New Jersey Sustainable Energy Joint Meeting ( Daniel Fitzpatrick)
  - Dan explained that by joining this consortium, which negotiates volume prices on energy for its members, the City can save a minimum of 10% on energy costs.
  - In the 2011 Budget the City could see a minimum energy savings of \$100,000.
5. Agenda Review
6. Closed Session

RESOLUTION #257-12-21-10

**RESOLUTION ACCEPTING MINUTES**

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

COUNCIL MEETING  
December 7, 2010

COUNCIL WORKSHOP MEETING

November 30, 2010

CLOSED SESSION

November 30, 2010

December 7, 2010

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Rosenzweig</i>					X
<i>Bennett Schoen</i>		X		X (on 11/7/10)	
<i>Drakeford</i>		X			
<i>Reddin</i>		X			

RESOLUTION #258-12-21-10

**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 \$1,097,916.32.

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 – Second Reading/Public Hearing:

The following ordinance was approved on first reading at the Regular meeting of the Mayor and Council held on December 7, 2010, and published in the December 9, 2010 edition of the Press Journal. Copies have been available to the public since introduction in the Office of the City Clerk.

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.

FIRST READING DATE: DECEMBER 7, 2010

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

DATE PUBLISHED IN THE PRESS JOURNAL: DECEMBER 9, 2010

DATE PUBLIC HEARING HELD: DECEMBER 21, 2010

DATE SECOND READING HELD: DECEMBER 21, 2010

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

Public Hearing on Ordinance # 10-36:

- No one from the Public spoke

Public Comment on Agenda Items:

- Elle Kelly 350 Shepard Avenue – in regard to Resolution # 259, a public restroom should be built on the Eleanor Harvey property and the City should include a solar energy system to power it. Spoke about Resolution # 260 and asked why the City has not placed solar panels on its buildings so we could save even more money than just joining this energy group. Resolution # 262, Mr. Kelly does think that it is a good idea but the other ponds in town should also be dredged.

RESOLUTION # 259-12-21-10

**RESOLUTION ACCEPTING THE ACCOUNTING OF THE EXECUTRIX OF THE ESTATE OF ELEANOR S. HARVEY**

**WHEREAS**, pursuant to the Last Will and Testament of Eleanor S. Harvey, the City of Englewood is a beneficiary of the Estate; and

**WHEREAS**, pursuant to said Last Will and Testament certain real property in the City of Englewood was generously bequeathed by Ms. Harvey to the City of Englewood; and

**WHEREAS**, in connection with the transfer of said property, the Harvey Land Conservation Trust which currently contains approximately \$419,000.00 was created to provide for the costs associated with the maintenance and care of the property; and

**WHEREAS**, Robin Lindsay, the Executrix of the Estate of Eleanor S. Harvey and the Trustee under the Harvey Land Conservation Trust has provided an accounting of the Estate assets and disbursements; and

**WHEREAS**, said accounting has been reviewed by the City Solicitor and appears to be in order;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Englewood, that it hereby approves the accounting provided by Ms. Lindsay and hereby authorizes the City Manager to execute the Release, Refunding and Indemnification Agreement associated therewith; and

**BE IT FURTHER RESOLVED** that the City Clerk is authorized to cause a brief notice to be published once in the Press Journal stating the nature, duration, service and amount of the contract.

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 #260-12-21-10

**RESOLUTION TO JOIN NEW JERSEY  
SUSTAINABLE ENERGY JOINT MEETING**

**WHEREAS**, Local Units of the State of New Jersey are authorized to enter into a joint contract to provide for the formation of a joint meeting for the joint procurement of natural gas, electricity and other forms of energy as permitted by N.J.S.A. 40A:65-14 et seq.; and

**WHEREAS**, the statutes regulating the creation and establishment of a Joint Meeting contain a mechanism for local units to aggregate their collective energy consumption in order to negotiate and contract for energy in a cost-effective, environmentally sensitive manner, furthering the public interest entrusted to such a Joint Meeting; and

**WHEREAS**, the City Council of the City of Englewood has determined that membership in the Joint Meeting is in the best interest of the City of Englewood.

**NOW THEREFORE, BE IT RESOLVED**, that the governing body of the City of Englewood does hereby resolve and agree to become a member in the New Jersey Sustainable Energy Joint Meeting (NJSEM) for the purpose of joining with other Local Units in the State to aggregate purchasing power of energy so as to achieve financial savings and to encourage Local Units to cooperate in seeking ways to jointly implement sustainable energy alternatives;

**BE IT FURTHER RESOLVED** that the City Manager is authorized to execute the Joint Contract Joinder Agreement, attached hereto, and that the City Manager is hereby designated to represent the Local Unit as a member of the State Management Committee of the NJSEM; and

**BE IT FURTHER RESOLVED** that the City Manager is authorized and directed to execute such other documents signifying their membership in the NJSEM, and make payment of the Initial Membership Fee of \$600 as required by the NJSEM's Bylaws and to deliver same to the Executive Director of the NJSEM.

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 # 261-12-21-10

**EXTENSION OF LIQUOR LICENSE TO RECEIVER**

**WHEREAS**, an application has been filed for an extension of Plenary Retail Distribution License 0215-44-015-010, to the Statutory Receiver of Englewood Joe II Wines & Liquor, Inc; and

**WHEREAS**, the submitted application form is complete in all respects, including Notice of Appointment of Statutory Receiver;

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Englewood does hereby approve, the extension of the aforesaid Plenary Retail Distribution license to Steven Mitnick, Esq. as Statutory Receiver.

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 #262-12-21-10

**AWARD PROFESSIONAL SERVICES CONTRACT TO RBA ENGINEERS TO PROVIDE SERVICES TO FLAT ROCK BROOK NATURE CENTER FOR QUARRY POND DREDGING**

**WHEREAS**, the City Council of the City of Englewood approved the dredging project at the Quarry Pond. The Flat Rock Brook Nature Association in conjunction with the City of Englewood issued a RFP for professional services related to the dredging project; and

**WHEREAS**, six (6) proposals were received and the Flat Rock Brook Nature Association Land Stewardship Subcommittee interviewed the three (3) leading candidates. The Subcommittee recommended to the Flat Rock Brook Nature Association that RBA Engineers, 7 Campus Drive, Suite 300, Parsippany, New Jersey 07054 be engaged pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A: 1 1-1 et. seq.) authorizes the award of such professional services contracts without competitive bidding; and

**WHEREAS**, the City Manager has determined that the value of this contract will not exceed \$36,890.00 plus \$1,500.00 in other expenses for the following scope of work:

- Review and inspection of the pond and associated dam
- Filing of permits with the appropriate authorities for the dredging of the pond
- Developing bid documents for the dredging of the pond
- In addition, this consultant will provide construction observation of the work and file the necessary close out documents with the New Jersey Department of Environmental Protection; and

**WHEREAS**, RBA Engineers 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

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available to award this contract and a copy of said certification is on file in the office of the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to RBA Engineers to provide professional services, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and RBA Engineers to provide the above referenced scope of work for the dredging project at Quarry Pond;

**BE IT FURTHER RESOLVED**, that a copy of the within resolution, together with a copy of the Agreement and that the Business Disclosure Entity Certification and the Determination of Value, be on file in the Office of the City Clerk and be available for public inspection during regular business hours; 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 stating the nature, duration, service, and amount of the contract and that the resolution and contract are on file and available for public inspection 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 #263-12-21-10

**AWARD PROFESSIONAL SERVICES CONTRACT  
TO WARREN AND PANZER ENGINEERS, P.C.  
TO PROVIDE AN ENVIRONMENTAL REVIEW AND REMEDIATION REPORT**

**WHEREAS**, the City of Englewood has been responsible for the environmental cleanup of 18 Amory Street, and the City engaged Warren and Panzer Engineers, P.C. to provide the environmental review and remediation report as required by NJDEP; and

**WHEREAS**, on the recommendation of the City Engineer, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to Warren and Panzer Engineers, P.C., 228 East 45<sup>th</sup> Street, New York, NY pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A: 1 1-1 et. seq.) authorizes the award of such professional services contracts without competitive bidding; and

**WHEREAS**, the City Manager has determined that the value of this contract will not exceed \$23,000.00 for the environmental review and remediation report of 18 Amory Street:

**WHEREAS**, Warren and Panzer Engineers, P.C. 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

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available to award this contract and a copy of said certification is on file in the office of the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to Warren and Panzer Engineers, P.C. to provide professional services, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and Warren and Panzer Engineers, P.C. to provide for the environmental review and remediation report of 18 Amory Street;

**BE IT FURTHER RESOLVED**, that a copy of the within resolution, together with a copy of the Agreement and that the Business Disclosure Entity Certification and the Determination of Value, be on file in the Office of the City Clerk and be available for public inspection during regular business hours; 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 stating the nature, duration, service, and amount of the contract and that the resolution and contract are on file and available for public inspection 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 #264-12-21-10

**AUTHORIZE APPLICATION FOR  
LOCAL GOVERNMENT ENERGY AUDIT PROGRAM**

**WHEREAS**, the New Jersey Board of Public Utilities, Office of Clean Energy administers the Local Government Energy Audit Program (Program), an incentive program to assist local government agencies to conduct energy audits and to encourage implementation of energy conservation measures; and,

**WHEREAS**, the City Council of the City of Englewood has decided to apply to participate in the Local Government Energy Audit Program; and,

**WHEREAS**, the facilities to be audited are in New Jersey, are owned by the City of Englewood, are served by a New Jersey regulated public utility, and that the City of Englewood has not already reserved \$300,000 in the Program this year as of this application; and,

**WHEREAS**, it is acknowledged that acceptance into the Program is dependent on the Scope of Work and cost proposal, and that Program rules will have to be met in order to receive incentive funds; and,

**WHEREAS**, upon acceptance into the Program, the City of Englewood will prepare Facility Data Forms and Scopes of Work for each facility to be audited, solicit quotations from the authorized contractors, and submit the Part B application; and,

**WHEREAS**, the City of Englewood understands that energy audit work cannot proceed until a Application Approval Notice is received from the Program; and,

**WHEREAS**, the City of Englewood has passed a resolution joining the following state or national organization supporting energy efficiency, greenhouse gas reduction, sustainable/green design or high performance buildings: Sustainable Jersey

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Englewood, approves the submission of an Application for participation in the Local Government Energy Audit Program of the New Jersey Board of Public Utilities; and,

**BE IT FURTHER RESOLVED** that a copy of resolution in joining the state or national organizations listed above be attached to and made a part of this resolution.

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 #265-12-21-10

**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 Mauro Excavating for the provision of four (4) one ton pickup trucks equipped with snow plows (and without salt spreaders) and operators at an hourly rate of \$120.00, two (2) 18 cubic yard tandem dump trucks with drivers at an hourly rate of \$160.00, and one (1) wheel loader with 3 cubic yard bucket with operator at an hourly rate of \$180.00 to be available during snow and/or ice removal operations, these rates are 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 Mauro Excavating 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 Mauro Excavating for the provision of four (4) one ton pickup trucks equipped with snow plows (and without salt spreaders) and operators, two (2) 18 cubic yard tandem dump trucks with drivers, and one (1) wheel loader with 3 cubic yard bucket with operator 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 # 266-12-21-10

**Authorizing Budget Transfers for the 2010 Budget**

**WHEREAS**, N.J.S.A. 40A:4-58 provides that budget transfers must take place prior to December 31, 2010 for the 2010 Budget; and

**WHEREAS**, there is a need for budget transfers due to unforeseen circumstances and the need to provide funds to cover imminent obligations;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood that the Chief Financial Officer is hereby authorized to make transfers from Current Fund Budget accounts for the year 2010 where a deficit would possibly occur on or before December 31, 2010 pursuant to and in accordance with provisions in N.J.S.A. 40A:4-58 and according to the schedule attached hereto.

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			

Public Session:

- Elle Kelly 350 Shepard Avenue – asked if a final determination was made regarding parking on narrow streets during snow storms. Wants a Community Board established so everyone can have input into the City. Asked where \$5 million dollars owed to the Board of Education is, and when will the City recoup the \$10 million from the Special Assessment district.
- Shirley Smith 374 W. Palisade Avenue – commended the DPW on doing an excellent job clearing the leaves from W. Palisade Avenue. Asked who is responsible for setting up the detours for the roadwork on Knickerbocker because they are not clearly marked especially near the school. Is very concerned with the recent increase in robberies and asked why she is not seeing any Englewood Police in her area just Teaneck Police.
- Martha Aaron 346 Broad Avenue - lived in Englewood for 36 years and is very unhappy with the way the leaf collection was conducted. Every time she called DPW is was just placated and received no real answers. Feels that DPW needs more Supervisors to provide direction from the top down.
- Nathan Shmalo 10 E. Palisade Avenue – handed out a map to the City Council which showed all of the vacant rental properties in the downtown area (approximately 50). Has heard that big box retail may be allowed at the Route 4 site, and feels that this is a huge mistake because it will have an adverse effect on the downtown area and its businesses.
- David Simon, downtown property owner – also opposed to big box retailers being allowed on the Route 4 site.
- Dorothy Campbell 248 Rosemont Place – spoke about people not cleaning up after their dogs on Palisade Avenue and the City’s pooper scooper law needs to be enforced. Drivers coming in from Teaneck are speeding (about 60 mph) down Rosemont Place. Street cleaning cannot be done effectively in the City because of all the cars parked on the streets; we will have the same problem during a snowstorm.
- Aaron Wilson 165 Central Avenue – spoke about repaving project on Central Avenue. The work has only been partially completed and they were told that they will have to live with the dust and dirt until March 2011. Ken Albert said that the dirt mounds will be tapped down, the road will be cleared and parking facilities will be provided in the next couple of days. Final paving will be done in the spring. Asked when the Board of Health Budget Hearing will be, Wants to know if the employee who alluded to another employee that they will loose their job to budget cuts will be reprimanded? Stated that leaf collection in the 3<sup>rd</sup> Ward has been completed but residents are ignoring the schedule and still putting leaves out. Asked whose responsibility it was to inform the public of the rabid raccoon.
- Gary Curry 173 Central Avenue – asked for more specifics regarding the roadwork on Central Avenue, and why they could not wait for better weather to do the roadwork.
- Curtis Caviness 41 E. Forest Avenue – spoke about Teaneck’s ordinance that does not allow you to pour concrete during certain times of the year. Also discussed proper Board of Health protocols in regard to the rabid raccoon.
- Cornelia Rogers 141 Humphrey Street – inquired about the bumping rights of employees with seniority. Asked why the leaves have not been shipped out of the DPW yard. Agreed that Palisade Avenue is a mess and that people need to pick up after their dogs.

RESOLUTION #267-12-21-10

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

Litigation, Contract Negotiations, and Personnel

**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:

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

**ADJOURN: 9:40PM**

Motion:  
All in Favor

---

Lauren Vande Vaarst, RMC  
City Clerk