

**City of Englewood**  
**City Council Work Shop**  
**Meeting Minutes**

**December 6, 2011 at 7:30pm**

Roll Call: Present: Council member Kenneth Rosenzweig  
Council member Lynne Algrant  
Council member Michael Cohen  
Council member Scott Reddin  
Council member Jack Drakeford  
Mayor/Council President Frank Huttle III  
City Manager Timothy Dacey  
City Attorney William Bailey  
City Clerk Lauren Vande Vaarst

Council President Huttle 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 notice as required by the Open Public Meetings Act.

Public Hearing on Resolution #245-12-06-11:

- Eugene Skurnick 296 Marlboro Road:
  - Can Resolution # 245 adopting the SID Budget for FY 2012 be voted on in 2011?

RESOLUTION #245-12-06-11

**APPROVING THE ENGLEWOOD SPECIAL IMPROVEMENT**  
**DISTRICT BUDGET FOR FY 2012**

**WHEREAS**, the Englewood Special Improvement District budget for FY 2012 (July 1, 2011 - June 30, 2012) was approved by the Englewood Economic Development Corporation, the District Management Corporation, on September 8, 2011, and by the City Council on first reading on November 1, 2011; and

**WHEREAS**, N.J.S.A. 40:56-65 et seq. requires that the budget be approved by the City Council on second reading following a public hearing.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, County of Bergen, State of New Jersey, as follows:

**Section 1.** The following budget for the Englewood Special Improvement District for FY 2012 is hereby approved.

<u>Revenues</u>		<u>Appropriations</u>	
Business License Fees	\$250,000	Website	\$ 3,000
Clean Communities Grant	30,000	Salaries & Benefits	67,000
Appropriated Fund Balance	50,000	Loan Payment (Biz-W. Palisade)	33,000
		Promotions	125,000
		Improvements & Equipment	27,000
		Advertising & Marketing	75,000
Total Revenues	\$330,000	Total Appropriations	\$330,000

**Section 2.** The Englewood Economic Development Corporation is hereby authorized to make charges and payments for the Special Improvement District

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

Vote to add Resolutions to the Agenda:

RESOLUTION #247-12-06-11

Approve Waiver of Permit Fees

RESOLUTION #248-12-06-11

Authorizing the Filing of the Complaint against PSE&G

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

Public Comment on Agenda Items:

- Eugene Skurnick 296 Marlboro Road:
  - Spoke about process and what goes on Workshop Agendas versus a Council Meeting Agenda.
  - Feels that Resolution # 249 places an obligation on the 2012 Budget and should not be voted on in 2011.
- John Sisco, Exalted Ruler of Ideal Lodge #470, I.B.P.O.E.
  - Spoke about Resolution #247 and the Lodge's need to have the Permit Fees waived.
- Elle Kelly 350 Shepard Avenue:
  - Spoke about Resolution # 249 and said that the public cannot wait until 2012 to have the leaves and remaining debris from the October snowstorm picked up because there is a safety issue with the wet leaves on the roads.
- Shirley Smith 374 W. Palisade Avenue:
  - Complained that the leaves in the roadway have to be cleaned up and soon. The main thorough fares in town look terrible and a priority should be placed on cleaning those first.
- Charles Cobb 113 Marilyn Court:
  - In regard to Resolution #249, wet leaves in the roadway is a safety issue, and because the major arteries still have leaves on them a plan needs to be implemented and executed correctly.
- Eugene Skurnick 296 Marlboro Road:
  - Regarding Resolution #248, wants an estimate of legal fees for this Resolution and its impact on the 2012 Budget.

RESOLUTION #246-12-13-11

**AUTHORIZING AWARD OF CONTRACT  
FOR THE ENGLE STREET (CEMETERY) SIDEWALK REPLACEMENT**

**WHEREAS**, sealed bids were received on December 1, 2011 for the Engle Street (Cemetery) Sidewalk Replacement Project in accordance with specifications therefore and following public advertisement; and

**WHEREAS**, specifications were sent and responsible bids were received from six (6) bidders listed on the attached Bid Summary Sheet; and

**WHEREAS**, the bid submitted by Bello-Grande Contracting, LLC, 174 Boulevard, Suite 3, Hasbrouck Heights, New Jersey 07604 for the sum of \$27,600.00 was determined to be the low bid and is in compliance with the specifications; and based upon the recommendation of the City Engineer, can be accepted by the City Council; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood that the bid submitted by Bello-Grande Contracting, LLC is hereby accepted; and

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to execute an agreement between the City of Englewood and Bello-Grande Contracting, LLC for the Engle Street (Cemetery) 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 11-10(b)

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

RESOLUTION #247-12-06-11

**Approve Waiver of Permit Fees**

**WHEREAS**, Ideal Lodge #470, Improved Benevolent and Protective Order of Elks of the World (I.B.P.O.E.) located at 17 Bennett Road in Englewood has been in existence since July 1924 as a non-profit community based organization that provides meeting spaces and financial support through their ongoing charitable work to many organizations in the City of Englewood and the surrounding communities; and

**WHEREAS**, Ideal Lodge #470 I.B.P.O.E. recently completed an expensive porch renovation project and now must unexpectedly replace the furnace in their facility as well; and

**WHEREAS**, Ideal Lodge #470 I.B.P.O.E. is requesting that any Construction and Code Enforcement permit fees for the furnace replacement project be waived due to the financial hardship their organization is experiencing because of the recently completed renovation work and the current financial climate which has negatively impacted their finances.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, New Jersey, that any Construction and Code Enforcement permit fees hereby be waived in regard to the furnace replacement project being undertaken for the Ideal Lodge #470, Improved Benevolent and Protective Order of Elks of the World (I.B.P.O.E.) located at 17 Bennett Road in Englewood.

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

RESOLUTION #249-12-06-11

**AUTHORIZE EMERGENCY APPROPRIATION  
FOR THE CLEANUP FROM THE OCTOBER SNOW STORM**

**WHEREAS**, an emergency has arisen with respect to the removal and disposal of fallen trees, limbs and branches throughout the City as a result of the October 30, 2011 snow storm and no adequate provision was made in the 2011 budget for the aforesaid purpose; and

**WHEREAS**, N.J.S. A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

**WHEREAS**, the total amount of emergency appropriation(s) created including the appropriation to be created by this resolution is \$175,000 and three percent of the total operations in the budget for the year is \$1,192,302.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, County of Bergen, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for in the amount of \$175,000.
2. That said emergency appropriation shall be provided in full in the 2012 budget.
3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.

**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.

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

RESOLUTION #250-12-06-11

**AUTHORIZING AWARD OF EMERGENCY CONTRACT  
FOR THE CLEANUP FROM THE OCTOBER SNOW STORM**

**WHEREAS**, an exigent condition exists from the collection of vast amounts of natural debris that has been collected by the Department of Public Works as a result of the October 29, 2011 snow storm; and

**WHEREAS**, three (3) vendors were contacted and quotations were received from two of them for the removal of the natural debris, copies of the quotations are attached; and

**WHEREAS**, the quotation submitted by Nature's Choice Corporation, 1111 Springfield Road, 2nd Floor, Union, New Jersey 07083 for the sum of \$11 per cubic yard, was determined to be the low quote, and based upon the recommendation of the Superintendent of Public Works, can be accepted by the City Council; and

**WHEREAS**, N.J.S.A. 40A:11-6 permits emergency contracts to be negotiated and awarded when an emergency exists that affects the public health, safety or welfare; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood that the bid submitted by Nature's Choice Corporation 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 Nature's Choice Corporation, for the Emergency Cleanup from the October Snow Storm in accordance with the specifications therefore.

Funding for this project is available from the following source:

- Emergency Appropriation

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

Discussion on Resolutions:

- Resolution to Authorize Budget Transfers for Budget Year 2011:
  - Howard Feinstein, CFO spoke about the Budget Transfer process and the need to do them on an annual basis in order to avoid Deferred Charges which would result in an automatic tax increase for 2012 as per Municipal Budget guidelines.
  - Tim Dacey, City Manager reviewed the List of Budget Transfers for 2011.
  - Question and Comments from the Mayor and Council:
    - Councilwoman Algrant asked how much money did we submit to FEMA for reimbursement from Hurricane Irene and will the reimbursed funds be used to offset some of these line items.
    - Mayor Huttie spoke about the impact of the storms and that the utility companies should reimburse the City and not FEMA.
    - Councilman Cohen questioned the Community Development S&W line item and asked if that was for overtime at the Parking Garage. Also feels that we need to get a better handle on legal fees in the future.
    - Tim Dacey explained that due to mismanagement in regard to Developer's Agreements and leased spaces at the Parking Garage the City was not collecting all the fees due, but the process has already been corrected. Legal fees were overextended due to the ERA case but the settlement fees collected will be used to reimburse this line item.
    - Bill Bailey, City Attorney commented that even though the agreement was signed in July 2011 there are still follow up documentation that needed to be submitted, and the City should see the \$550,000 in 2012.
    - Councilman Drakeford spoke about money expended on City vehicles, and that the legal bills are too high.

- Councilman Reddin asked about the Medical Insurance and Terminal Leave line items.
  - Councilman Rosenzweig if the CFO had any idea what the surplus would be in 2012.
- Resolutions to Purchase of Mobile Eyes: InspectPlus, Fire Inspection Software for the Englewood Fire Department and for the Purchase of MutualLink, Mobile Communications System for the Englewood Fire Department:
  - Acting Fire Chief Gerald Marion reviewed these Resolutions.
  - The major issues that the Fire Department has is that all the data collected by the Fire Prevention Bureau is inaccessible to the department as a whole due to conflicting software which does not allow for sharing of information from the database.
  - The purchase of Mobile Eyes would allow for work and information gathered in the field to be available through a direct interface with the back office and emergency personnel.
  - A full-time position in the Fire Prevention Bureau can become a part-time one and save some money for the department and the City.
  - MutualLink is a secure communications system, which is partly being funded by a grant that involves cost sharing (either cash or in-kind). This purchase is for the mobile system which would provide redundancy and allow for an emergency system that will work in case of power loss due to a storm.
  - Tim Dacey said that these purchases do not need to be moved to 2012 because the Fire Department does have the money in their current budget to pay for them. The process of combining the Police and Fire Dispatch units is well underway and should be completed in 2012.

#### Discussion:

- **2012 Budget:**
  - Mr. Dacey reviewed the schedule of departmental Budget hearings.
  - Budget packets will be ready for the Mayor and Council in January 2012.
  - Councilman Drakeford would like the appointment of a Fire Chief to be on the next Workshop Agenda.
- **Completeness Review Procedures and New Application and Checklist Forms (for Board of Adjustment and Planning Board):**
  - Mayor Huttel wants the Council to review the six (6) checklist forms that were included in their Agenda Packets so that this can be discussed in more detail in January.
  - The proposed procedures need to be approved by the Planning Board, Board of Adjustment and the City Council.
- **2012 Proposed Meeting Calendar:**
  - Two (2) Changes were made; April 10<sup>th</sup> Workshop would be moved to April 3<sup>rd</sup> and the November 13<sup>th</sup> Workshop would be moved to November 20<sup>th</sup>.
  - The Reorganization Meeting for January 2013 will be either Wednesday, January 2 or Thursday, January 3, 2013.

#### Public Session:

- Eugene Skurnick 296 Marlboro Road:
  - Inquired if the \$120,000 for a Budget Transfer in the Police line was to prepay Extra Duty for the utility companies.
- Elle Kelly 350 Shepard Avenue:
  - Spoke about parking meter issues, and why the City cannot use the same system as New York City.
  - Asked if parkers with Handicap permits pay for parking in the garage, and why are there no handicap ramps on Lafayette Avenue.
  - The United Water increases are way too high.
  - Does not believe that combining the Police and Fire Department dispatch units is a good thing.
  - Spoke about the Englewood School Budget.
  - Asked if the Mayor and Council have given any thought to the letter he sent about not enough space in the gymnasium at the Middle School and could a track be built at the park across the street. Mr. Dacey commented that it would cost the City an estimated \$400,000.
- Sandy Greenberg 449 Liberty Road:
  - Spoke about the problem with Planning Board and Board of Adjustment is that there is no follow through on the maintenance of what the applicants are required to do, specifically in the area of Signage.
- Shirley Smith 374 W. Palisade Avenue:
  - Asked about the status of a new Firehouse.
- Alfonzie Moore, Ideal Lodge #470, I.B.P.O.E.:
  - Thanked the Council for passing the Resolution on the Waiver of Permit Fees.

**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, Contract Negotiations and Personnel

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.
- (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.

<i><b>COUNCIL</b></i>	<i><b>MOTION</b></i>	<i><b>AYES</b></i>	<i><b>NAYS</b></i>	<i><b>ABSTAIN</b></i>	<i><b>ABSENT</b></i>
<i><b>Algrant</b></i>	X	X			
<i><b>Rosenzweig</b></i>		X			
<i><b>Reddin</b></i>		X			
<i><b>Cohen</b></i>		X			
<i><b>Drakeford</b></i>		X			

Concluded Closed Session 10:40 PM and then reconvened in open session.

**AUTHORIZING THE FILING OF THE COMPLAINT AGAINST PSE&G**

**WHEREAS**, there has recently been major storms which have resulted in public safety issues and hazards that have affected the lives, well being and property of the community and residents of the City of Englewood; and

**WHEREAS**, PSE&G has failed to communicate with the City of Englewood's Office of Emergency Management and representatives of the City of Englewood in the initial 48 to 72 hours of said storms; has failed to timely mobilize crews to commence emergency repairs in the first 48 to 60 hours; and failed to restore electricity in an adequate time; and

**WHEREAS**, in an effort to address these serious operational issues and work directly with PSE&G to cooperatively develop solutions during times of emergencies, the Mayor of the City of Englewood and other representatives have repeatedly contacted PSE&G, and despite meetings with executives of PSE&G in the after math of the recent storms these issues and concerns have not been addressed in any way whatsoever nor any protocols put in place to prevent them from recurring; and

**WHEREAS**, on November 15, 2011, the Mayor for the City of Englewood filed a complaint to the Board of Public Utilities in this regard and documented the efforts to address these critical issues and outlined the concerns and problems as a result of PSE&G's inaction (copy of said Complaint is annexed hereto as Exhibit A); and

**WHEREAS**, despite these efforts there has been no substantive response from PSE&G to address the inability to obtain information in a timely matter and address immediate emergency concerns relating to protocols in the event of another storm; and

**WHEREAS**, the efforts by the City to address and resolve these issues without formal legal action were in an effort to amicably address these issues, but those efforts have been to no avail;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Englewood, County of Bergen, State of New Jersey, that the City Attorney is hereby directed to prepare and file the appropriate formal Complaint as against PSE&G; and

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

**ADJOURN: 10:42PM**

Motion: Huttle  
All in Favor

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Lauren Vande Vaarst, RMC  
City Clerk