

City of Englewood
City Council Meeting Minutes
April 24, 2012

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 member Marc Forman
Council member Michael Cohen (left at 10:00PM)
Council member Eugene Skurnick
Council member Jack Drakeford
Council member Lynne Algrant
Mayor / Council President Frank Huttle III
City Manager Timothy Dacey
City Solicitor 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 Annual Notice of Meetings as required by the Open Public Meetings Act.

RESOLUTION #097-04-24-12

RESOLUTION ACCEPTING MINUTES

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

COUNCIL MEETING

March 20, 2012

COUNCIL WORKSHOP MEETING

April 3, 2012

CLOSED SESSION

March 20, 2012

April 3, 2012

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>		X			
<i>Skurnick</i>	X	X			
<i>Cohen</i>		X			
<i>Drakeford</i>				X	

RESOLUTION #098-04-24-12

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 \$3,618,340.78.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			

Cohen		X			
Drakeford	X	X			

Old Business:

Communications from the Mayor/Council Members:

Comments from the City Manager:

- Tax Note Sale (taxable and tax free Bonds) was held last week.
- Paving is going all over town and the 2011 program should be completed in May.
- The City will have the sidewalks on Palisade Avenue pressure washed in May and the work is expected to take 5 days. Merchants will be notified.
- Registration for the Raider Football program is underway.
- Signage denoting the Public Safety Complex as the Deputy Chief Raymond C. Wright Public Safety Complex is completed and a dedication ceremony should take place in May.

ORDINANCE #12-16

**AN ORDINANCE AMENDING ORDINANCE NO. 09-23 ESTABLISHING
A GREEN TEAM PURSUANT TO SUSTAINABLE NEW JERSEY**

WHEREAS, the Governing Body of the City of Englewood in 2009 established a Green Team in accordance with Sustainable New Jersey pursuant to Ordinance No. 09-23; and

WHEREAS, Sustainable New Jersey was formed as a certification program for municipalities in New Jersey that endeavor to “go green, save money and take steps to sustain their quality of life over the long term”; and

WHEREAS, pursuant to N.J.S.A. 40:56A-1 et.seq. and City Ordinance, the City of Englewood created an Environmental Commission whose charge per said State law and Ordinance is to among other things protect, sustain, properly utilize and develop natural resources; and

WHEREAS, given the similar goals, objectives and responsibilities of the Environmental Commission and the Green Team, the Governing Body of the City of Englewood wishes to amend said Ordinance to establish the Green Team as a sub-committee of the Environmental Commission and maintain the Green Team as currently constituted; and

WHEREAS, the goal in establishing the Green Team as a sub-committee of the Environmental Commission is to maximize the efficiency of the Environmental Commission and avoid overlap and duplication of efforts as between the Green Team and Environmental Commission; and

WHEREAS, it is the desire of the Governing Body of the City of Englewood to maintain the membership of the Green Team as presently constituted as a sustainability sub-committee of the Environmental Commission; and

WHEREAS, pursuant to Sustainable New Jersey a Green Team can be established through an existing Environmental Commission as a sustainability sub-committee;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Englewood that the Green Team previously created by the City Council is hereby established as a sub-committee of the City of Englewood Environmental Commission with the Green Team’s membership remaining as currently constituted; and

BE IT FURTHER ORDAINED that the mission, goals and objectives for the Englewood Environmental Commission Green Team subcommittee remain as follows:

1. To facilitate the successful completion of the requirements for certification of Sustainable New Jersey and pursue the goals and objectives of Sustainable New Jersey.
2. To educate and encourage all City employees, residents and businesses to participate in green initiatives.
3. To collaborate with public and private green committees to ensure the replication of best practices and to ensure a coordinated effort in the City of Englewood and its neighboring communities.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

FIRST READING DATE: April 24, 2012

COUNCIL	MOTION	VOTE
Algrant		N
Forman		Y
Skurnick		N
Cohen	X	Y
Drakeford		Y

ORDINANCE #12-17

AN ORDINANCE REGARDING APPOINTMENTS TO CERTAIN BOARDS AND COMMITTEES WITHIN THE CITY OF ENGLEWOOD

WHEREAS, within the City of Englewood there are various boards and committees to which residents, business owners, and in some case employees volunteer and donate their time as a public service to the City of Englewood; and

WHEREAS, while the Governing Body of the City of Englewood is most appreciative of the dedication and efforts of these individuals, occasionally circumstances arise wherein persons appointed to various boards and committees have not been attending meetings; and

WHEREAS, this creates problems and concerns and limits the ability of various boards and committees to conduct business and achieve the purposes for which they are created and dedicated; and

WHEREAS, in an effort to avoid situations where various boards and committees cannot act due to poor attendance and/or lack of quorum the Governing Body seeks to establish a mechanism to replace such members.

NOW, THEREFORE, BE IT ORDAINED that boards and committees within the City of Englewood to the extent they are not preempted or governed by State or Federal Law or Regulations may require that members missing 50% or more of the regular scheduled meetings in a 12 month period due to unexcused absences may be removed and replaced by the appointing authority; and

If any provision of this Ordinance shall be judicially declared to be invalid or unenforceable, the remainder of this Ordinance shall, other than those provisions held invalid or unenforceable, not be affected thereby, and each provision of this Ordinance shall be valid and be enforced to the fullest extent permitted by law; and

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

FIRST READING DATE: April 24, 2012

COUNCIL	MOTION	VOTE
Algrant		
Forman	X	
Skurnick		
Cohen		
Drakeford		

The Motion to Introduce Ordinance # 12-17 on First Reading did not receive a Second.

ORDINANCE #12-18

AN ORDINANCE TO PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS ON PRIVATE PROPERTY

BE IT ORDAINED by the Mayor and Council of the City of Englewood in the County of Bergen and State of New Jersey, as follows:

Section I. Possession of Alcoholic Beverages Prohibited for Minors, Penalties

A. Possession or Consumption of Alcoholic Beverages By Underage Persons on Private Property Prohibited.

It is hereby unlawful for any person under the legal age to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property.

B. Violation and Penalties.

1. Any person found guilty of violating the terms of this ordinance shall be subject to a fine of a minimum of \$250.00 for the first offense and a fine of \$350.00 for any subsequent offense. In addition, the court may, upon a finding of guilty, in addition to the fine authorized for this offense, suspend or postpone for six (6) months, the driving privileges of the defendant. Upon the conviction of any person and the suspension or postponement of that person's driver's license, the court shall forward a report to the Division of Motor Vehicles stating the first and last day of the suspension or postponement period imposed by the court pursuant to this section.

2. If a person at the time of imposition of the sentence is less than seventeen (17) years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized vehicle shall commence on the day the sentence is imposed and shall run for a period of six (6) months after the person reaches the age of seventeen (17) years. If the defendant, at the time of the imposition of the sentence, has a valid driver's license issued by this State, the court shall immediately collect the license and forward it to the Division of Motor Vehicles along with the report. If for any reason, the license cannot be collected, the court shall include in the report, the complete name, address, date of birth, eye color and sex of the person as well as the first and last date of the license suspension period imposed by the court.

3. The court shall inform the person orally and in writing if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, that the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40, as amended. The defendant shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of the written notice shall not be a defense to a subsequent charge of violation of N.J.S.A. 39:3-40, as amended.

4. If the person convicted under this ordinance is not a New Jersey resident, the court may suspend or postpone, as appropriate, the non-resident driving privileges of the person based on the age of the person and submit to the Division of Motor Vehicles the required report. The court shall not collect the license of a non-resident convicted under this article. Upon receipt of a report by the court, the Division of Motor Vehicles shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

C. Exceptions.

This ordinance shall not prohibit an underage person from consuming or possessing an alcoholic beverage involved with a religious observance ceremony or right or consuming or possessing an alcoholic beverage in the presence of and with the permission of the parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.

Section II. Definitions

As used in this section, the following terms shall have the meanings indicated:

A. Guardian: A person who has qualified as a guardian of the underage person pursuant to a testamentary or court appointment.

B. Relative: The underage person's mother, father, grandparent, aunt or uncle, sibling or any other person related by blood or affinity.

Section III. Validity/Severability

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be held invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this subdivision or clause directly involved in the controversy in which said judgment shall have been rendered.

Section IV. Repeal of Inconsistent Ordinances

All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section V. Effective Date

This ordinance shall take effect upon passage as required by law.

FIRST READING DATE: April 24, 2012

COUNCIL	MOTION	VOTE
Algrant		Y
Forman	X	Y
Skurnick		Y
Cohen		AB
Drakeford		Y

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2012
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the City Council of the City of Englewood in the County of Bergen finds it advisable and necessary to increase its CY 2012 Budget CAP Allowance by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the City Council of the City of Englewood hereby determines that a 3.5% increase in the Budget CAP Allowance for said year, amounting to \$465,024 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the City Council of the City of Englewood hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Englewood, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 Budget year, the CAP Allowance Appropriations of the City of Englewood shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased to 3.5 %, amounting to \$465,024 and that the CY 2012 Municipal Budget for the City of Englewood be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption; and

BE IT FURTHER ORDAINED, 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: February 21, 2012

COUNCIL	MOTION	VOTE
Algrant	X	Y
Forman		Y
Skurnick		Y
Cohen		Y
Drakeford		Y

DATE PUBLISHED IN THE RECORD: February 24, 2012 and March 15, 2012

DATES PUBLIC HEARINGS HELD: April 24, 2012

DATE SECOND READING HELD: April 24, 2012

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant	X					
Forman						
Skurnick						
Cohen						
Drakeford						

The Motion to Adopt Ordinance # 12-05 on Second Reading did not receive a Second.

Public Hearing – Ordinance # 12-05:

- Norman Gorlyn 150 Madison Avenue:
 - Asked what would happen if this Ordinance is not passed.

ORDINANCE #12-11

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 25-18 SCHEDULE X
OF THE TRAFFIC AND PARKING ORDINANCE
OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD**

WHEREAS, Chapter 25, Section 25-18 Schedule X restricts parking on certain streets within the City of Englewood; and

WHEREAS, the Governing Body of the City of Englewood wishes to amend the aforesaid Section to modify limitations on parking at designated areas.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Englewood, Bergen County, New Jersey, that Chapter 25-18, Schedule X is hereby amended as follows:

Parking shall be prohibited at all times on the North side of East Linden Avenue from a point 170 feet east of the easterly curb line of Grand Avenue to the westerly curb line of Dwight Place.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

FIRST READING DATE: March 20, 2012

COUNCIL	MOTION	VOTE
Algrant		Y
Forman		Y
Skurnick		Y
Cohen	X	Y
Drakeford		A

DATE PUBLISHED IN THE RECORD: March 23, 2102

DATES PUBLIC HEARINGS HELD: April 24, 2012

DATE SECOND READING HELD: April 24, 2012

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant		Y		Y		Y
Forman		Y		Y		Y
Skurnick		Y		Y		Y
Cohen	X	Y	X	Y	X	Y
Drakeford		Y		Y		Y

Public Hearing – Ordinance # 12-11:

- David Rabinowitz 83 E. Linden Avenue:
 - Spoke in support of this Ordinance and the safety history that precipitated it.
- Diane Eidman 73 E. Linden Avenue:
 - Dangerous conditions exist on the roadway and she would like to see this Ordinance pass to rectify them.
- Mike Malka 91 E. Linden Avenue:
 - Supportive of the Ordinance because of the dangerous curve in the roadway.

ORDINANCE #12-12

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 25-9 SCHEDULE II
OF THE TRAFFIC AND PARKING ORDINANCE
OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD**

WHEREAS, Chapter 25, Section 25-9 Schedule II designates the streets or parts of streets within the City of Englewood as one-way streets in the direction indicated; and

WHEREAS, the Governing Body of the City of Englewood wishes to amend the aforesaid Section to designate the street listed below as one way in the specified direction.

DATES PUBLIC HEARINGS HELD: April 24, 2012

DATE SECOND READING HELD: April 24, 2012

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant	X	Y	X	Y	X	Y
Forman		Y		Y		Y
Skurnick		Y		Y		Y
Cohen		Y		Y		Y
Drakeford		Y		Y		Y

Public Hearing – Ordinance # 12-13:

- Milan Patel 70 Grand Avenue:
 - Business owner
 - Has attended Traffic Advisory Committee meetings twice to ask for the 15 minute regulations for the two (2) parking spaces in front of 70 Grand Avenue.

ORDINANCE #12-14

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF ENGLEWOOD, COUNTY OF BERGEN, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

Be it ordained and enacted by the City Council of the City of Englewood, County of Bergen, State of New Jersey, as follows:

§ 1-1. Adoption of Code.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the City of Englewood of a general and permanent nature adopted by the City Council of the City of Englewood, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 431, together with an Appendix, are hereby approved, adopted, ordained and enacted as the “Code of the City of Englewood,” hereinafter known and referred to as the “Code.”

§ 1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede the 1978 Revised General Ordinances and all general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-3. When effective.

This ordinance shall take effect immediately upon passage and publication according to law.

§ 1-4. Copy of Code on file.

A copy of the Code in loose-leaf form has been filed in the office of the City Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the City of Englewood by impressing thereon the Seal of the City, as provided by law, and such certified copy shall remain on file in the office of the Clerk of the City, to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-5. Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the “Code of the City of Englewood” shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code, as amendments and supplements thereto.

§ 1-6. Publication; filing.

The Clerk of the City of Englewood, pursuant to law, shall this Adopting Ordinance to be published, in the manner required, in a newspaper of general circulation in the City. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with

availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Code book to be kept up-to-date.

It shall be the duty of the Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing the Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-8. Sale of Code book.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk, or an authorized agent of the Clerk, upon the payment of a fee authorized by the City. The Clerk shall also arrange for procedures for the periodic supplementation of the Code.

§ 1-9. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Englewood to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to one or more of the following: a fine of not more than \$2,000 or imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

§ 1-10. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-11. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-12. Repeal of inconsistent ordinances.

All ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the City of Englewood which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect. Whenever an ordinance that repeals an earlier ordinance or part thereof is itself repealed, such repeal shall not revive the former ordinance or part thereof, unless specific provision is made therefore.

§ 1-13. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to 12-13-2011.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result there from.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the City's indebtedness.

- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- L. Any ordinance adopting or amending the Zoning Map.
- M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- N. Section 2 of Ord. No. 97-19 amending Section 11 of 1953 (Green Acre Land Rules amendment).

§ 1-14. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the City Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.
- B. Fees. In the following sections, the fees have been eliminated and reference made to the fees in Chapter 191, Fee Schedule: §§ 47-1, 100-3, 100-7, 100-11, 100-27, 100-44, 106-3, 112-3A and F, 112-14C, 173-3A, 197-8, 232-2B, 311-9B, 311-10B(1) and (2), 311-11B(1), 311-18, 317-64E, 325-20D, 334-9, 334-20B, 358-8, 380-14, 380-15A, 380-16B, 385-2, 385-12B, 393-9, 410-10A, 425-15A and B.
- C. Global nomenclature changes. Throughout the Code, references to the department, agency or official in noted in the first column have been revised as set forth in the second column

Change	To
State Department of Health	State Department of Health and Senior Services
Municipal Court Clerk	Municipal Court Administrator
Department of Community Services	Department of Building and Code Enforcement
Central Personnel Office or Personnel Office	Human Resources Department
Animal warden(s); Dog Warden	Animal Control officer
City Administrator	City Manager
Revised General Ordinances	Code of the City of Englewood

- D. Statutory references. Throughout the Code references to the state statute have been revised to use "N.J.S.A." to cite same consistently. The consolidated reference to the current N.J.S.A. citation has been added to the text of sections containing only the unconsolidated reference and/or statutes referred to only by title. Incorrect or outdated citations are amended as set forth in the revisions to the individual chapters set forth in the Code Adoption Ordinance.
- E. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

**SCHEDULE A
SPECIFIC REVISIONS AT TIME OF ADOPTION OF CODE**

Chapter 1, General Provisions.

Article II, Rules of Construction; Definitions; Seal; General Penalty.

- A. The following sections are repealed:
 - (1) Original Section 1-1, What constitutes "Revised General Ordinances"; designation.
 - (2) Original Section 1-4, References to chapters, articles and sections.
 - (3) Original Section 1-9, Severability; effect of partial invalidity.
- B. Section 1-16, Definitions, is amended in the following respects:
 - (1) The definition of New Jersey Statutes or N.J.S. is amended by changing "N.J.S." to "N.J.S.A."
 - (2) The definitions of "Revised General Ordinances or R.G.O.," "Revised Ordinance or R.O." and "Revised Statutes or R.S." are repealed.
- C. Section 1-21, Missed meetings, is amended as follows:

Except as otherwise provided by law or specifically provided by ordinance, any member of any board or agency appointed by the Mayor and/or City Council who is absent for six consecutive weeks or from three consecutive regular meetings, whichever is longer, without being excused there from by the board or agency for a valid reason, may be removed from office by the appointing authority.

Chapter 3, Administrative Code.

- A. Section 3-10, Appointment; termination, Subsection A, the second sentence, is amended as follows:
In the event that the City Manager is terminated for reason other than just cause after five years of service, the maximum salary and medical benefits he or she will be entitled to as severance as shall be governed by the City Charter ~~and state law.~~
- B. Section 3-60, Applicability of Chapter 23, is amended as follows:
The provisions of Chapter 23, Court, Municipal, of the City Code shall continue to be applicable to the Municipal Court, except that Section 16-2 thereof is hereby repealed.

Chapter 8, Boards, Commissions and Committees.

Article I, Housing Authority.

Section 8-2 is amended as follows:

The Housing Authority shall function as provided by the Local Redevelopment and Housing Authorities Law (N.J.S.A. 40A:12A-1 et seq.) and other applicable laws of this state.

Article VIII, Green Team.

Section 8-42, Purpose, is amended by adding the following sentence: *"The purpose of the Green Team shall be:"*

Chapter 25, Traffic and Parking.

- A. Section 25-33, Time limit; rate; hours of operation, is amended as follows to allow for the integration of Ord. No. 10-23 with its two-hour time limits into Schedule XXII which currently only accounts for one-hour time limits.

§ 25-33, Time limit; rate; hours of operation.

Parking within parking meter zones, as designated in Schedule XXII, between the hours of 9:00 a.m. and 6:00 p.m., except on Sundays and legal holidays, shall be limited to a period of one hour time as indicated in Schedule XXII, at such rate as may be determined by the City Council from time to time and designated on the parking meter.

- B. Section 25-62, Enforcement, Subsection A, is amended by changing "Division of Police" to "Police Department."
- C. Schedule A is amended by adding the following entry:

Next Day Hill Drive ¹	South	7:00 a.m. to 4:00 p.m.	Monday to Saturday	From a point 550 feet easterly from the intersection of Lydecker Street to a point 1,050 feet easterly there from
----------------------------------	-------	---------------------------	-----------------------	---

Chapter 31, Ethics, Code of.

Section 31-1, Definitions, the definition of "City agencies," is amended to delete the reference to the Rent Board.

Chapter 36, Fire Department.

Section 36-9, is amended as follows:

§ 36-9. Assignment of members to Unit; qualifications

Only full-time paid members of the Fire Department and/or civilian members of the Englewood Fire Department Fire Prevention Bureau may be assigned to the Fire Investigation Unit. Civilian members appointed to the unit shall be approved by the Fire Chief. Before any member shall be assigned to the Fire Investigation Unit, such member shall have successfully completed an appropriate course of training approved by the ~~New Jersey Office of the Attorney General, Division of Criminal Justice, the International Association of Arson Investigators, or the National Fire Academy Police Training Commission~~ and an arson investigation training course approved by the ~~New Jersey Division of Fire Safety~~ Department of Public Safety.

Chapter 56, Personnel.

- A. Section 56-9, Types of employees, Subsections A and B, are amended as follows:

- A. *Classified service, which shall include those permanent positions established in the classification of positions hereinafter set forth on file in the Clerk's office.*
- B. *Unclassified service, which shall include those positions ~~hereinafter~~ listed as being in the unclassified service, and which are not included with the aforesaid classification on file in the Clerk's office.*

¹ Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- B. Section 56-10, Classified service, is amended as follows:
The classification of positions in the classified service heretofore adopted, as set forth in section 18-13, shall be continued.
- C. Section 56-32, Maternity leave, is amended by deleting the existing provisions and substituting the following language as § 56-32:
§ 56-32. Maternity leave.
Maternity leave shall be granted as provided in N.J.S.A. 34:11B-1 et seq., the Family Leave Act.
- D. Section 56-75, Post-retirement health benefits, is amended by adding the word "eligible" so that the section reads, in part, as follows:
"...provided the City of Englewood remains enrolled in the New Jersey State Health Benefits Program, for the retiree up to age 65 and his/her eligible dependents up to age 65 or until the death of the retiree, whichever first occurs..."

Chapter 94, Alcoholic Beverages.

Article I, Licensing and Operations.

- A. Section 94-2, License fees is amended by deleting the fee for seasonal retail consumption licenses as this license is not currently issued by City. The section is further amended to refer to Chapter 191, Fee Schedule, for the current license fees.

§ 94-2. License fees.

The annual fees for the granting of the following alcoholic beverage licenses are ~~fixed as follows~~ provided for in Chapter 191, Fees:

- A. ~~Plenary retail consumption license: \$75.~~
- B. ~~Seasonal retail consumption license: \$650.~~
- C. ~~Plenary retail distribution license: \$575.~~
- D. ~~Limited retail distribution license: \$50.~~
- E. ~~Club license: \$115.~~

- B. Original Section 4-3.1, Retail package sales prohibited on Sunday, as added 5-5-1981 by Ord. No. 81-14, is repealed.

Chapter 106, Animals.

Article I, Dogs

- A. Section 106-1, Definitions,
 - (1) The definition of "nuisance cat" is repealed from § 106-1 and moved to § 106-23. References to "nuisance cats" or "cats" in §§ 106-15, 106-16, 106-18 and 106-19 are deleted. Section 106-23 is amended to add the definition of "nuisance cat" from § 106-1 and to revise § 106-27, Impounding of unlicensed cats, by adding Subsection A(5) to read "Any nuisance cat."
 - (2) The definition of "pet shop" is amended as follows so as to match the term as defined in N.J.S.A. 4:19-15.1:
PET SHOP -- ~~Any room or group of rooms, cage, or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed.~~ Any place of business which is not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.
- B. Section 106-2, Annual license and registration tag required; attaching tag to collar, is amended by deleting Subsection C, as added 12-1-1981 by Ord. No. 81-73, reading as follows:
~~C. *Any cat which is not at all times kept indoors shall be inoculated with rabies vaccine in the same manner as provided herein for the inoculation of dogs.*~~
- C. Section 106-3, License and tag fees; expiration, is amended as follows:
The person applying for the license and registration tag shall pay a fee of ~~\$3.50 for the licensing of each dog and the additional sum of \$0.50 for the registration tag of each dog;~~ as provided for in Chapter 191, Fee Schedule, for the licensing of each dog and the additional sum for the registration tag of each dog. For each annual renewal, the fee for the license and for the registration tag shall be the same as for the original license and tag. Said licenses, registration tags and renewals thereof shall expire on the last day of January in each year. Late fees shall be imposed after March 1, April 1 and May 1 as set forth in Chapter 191, Fee Schedule.
- D. Section 106-4, Service dogs, is amended as follows:
Dogs used as guides for blind persons and commonly known as "seeing-eye" dogs, dogs used to assist handicapped persons and commonly known as "service dogs" and dogs used to assist deaf persons and commonly known as "hearing ear" dogs shall be licensed and registered as other dogs hereinabove provided for except that the owner or keeper of such dog shall not be required to pay any fee therefore.
- E. Section 106-6, Contents of application; Contents of application; preservation and forwarding of information, is amended as follows:

- A. The application shall state the breed, sex, age, color and markings of the dog for which license and registration are sought, and whether it is of a long- or short-haired variety, and whether it has been surgically debarked or silenced; and the name, street, and post office address of the owner and the person who shall keep or harbor such dog.
- B. The information on the said application and the registration number issued for the dog shall be preserved for a period of three years by the City Clerk or other official designated by the Council. In addition, the Clerk or other local official shall forward to the State Department of Health and Senior Services each month, on forms furnished by the Department an accurate account of registration numbers issued or otherwise disposed of. Registration numbers shall be issued in the order of application.
- F. Section 106-12, License to operate dog establishments; application contents, is amended as follows:
- A. Any person who keeps or operates or proposes to establish a kennel, pet shop, shelter, or pound within the City shall apply to the City Clerk for a license entitling him to keep or operate such establishment. The application therefore shall describe the premises where the establishment is located, or is proposed to be located, the purpose or purposes for which it is to be maintained, and shall be accompanied by the written approval of local health and municipal authorities showing compliance with the local and state rules and regulations governing location of and sanitation at such establishment.
- B. All licenses issued for a kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained, and all such licenses shall expire on the last day of June of each year, and be subject to revocation by the municipality on recommendation of the State Department of Health and Senior Services or the Board of Health for failure to comply with the rules and regulations of the state department or local board governing the same, after the owner has been afforded a hearing by either the state department or local board, except as provided in Subsection C of this section. Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishments; such licenses shall not be transferable to another owner or different premises.
- C. The license for a pet shop shall be subject to review by the City, upon recommendation by the State Department of Health and Senior Services or the local health authority for failure by the pet shop to comply with the rules and regulations of the state department or local health authority governing pet shops or if the pet shop meets the criteria for recommended suspension or revocation provided under Subsection c or d of Section 5 of P.L.1999, c. 336 (N.J.S.A. 56:8-96), after the owner of the pet shop has been afforded a hearing pursuant to Subsection e of Section 5 of P.L.1999, c. 336 (N.J.S.A. 56: 8-96). The City, based on the criteria for the recommendation of the local health authority provided under subsections c and d of Section 5 of P.L.1999, c. 336 (N.J.S.A. 56:8-96), may suspend the license for 90 days or may revoke the license if it is determined at the hearing that the pet shop:
- (1) Failed to maintain proper hygiene and exercise reasonable care in safeguarding the health of animals in its custody; or
 - (2) Sold a substantial number of animals that the pet shop knew, or reasonably should have known, to be unfit for purchase.
- D. The City may issue a license for a pet shop that permits the pet shop to sell pet supplies for all types of animals, including cats and dogs, and sell animals other than cats and dogs but restricts the pet shop from selling cats or dogs, or both.
- E. Every pet shop licensed in the state shall submit annually and no later than May 1 of each year records of the total number of cats and dogs, respectively, sold by the pet shop each year to the City, and the City shall provide this information to the local health authority.
- G. Section 106-13, License fees for kennels, pet shops, shelters and pounds, is amended as follows:
The annual fee for a kennel providing accommodations for 10 or less dogs shall be \$10 and for more than 10 dogs, \$25. The annual license fee and for a pet shop shall be \$10 as provided for in Chapter 191, Fee Schedule. No fee shall be charged for a shelter or pound.
- H. Original Sections 6-13 (License expiration; revocation of license to operate establishment) and 6-14 (Individual dog license exemption for establishments; transfer prohibited) are repealed. See now § 106-12.
- I. Section 106-16, Notice of seizure, is amended by changing the phrase "~~liable to be disposed of or destroyed~~" to "liable to be offered for adoption or destroyed."
- J. Section 106-18, When dog may be destroyed, is amended as follows:
- A. When any dog so seized has been detained for seven days after notice, when notice can be given as above set forth, or has been detained for seven days after seizure when no notice can be given as above set forth, and if the owner or person keeping or harboring said dog has not claimed such animal and paid the fees set out in section 6-24 below, the Animal Control Officers may cause the animal to be destroyed in a manner causing as little pain as possible and consistent with the provisions of N.J.S.A. 4:22-19 or to be offered for adoption seven days after seizure, provided that:
- (1) Notice is given as set forth above and the animal remains unclaimed; or,
 - (2) The owner or person keeping or harboring the animal has not claimed the animal and paid all expenses incurred by reason of its detention, including maintenance costs not exceeding \$4.00 per day; or,

- (3) The owner or person keeping or harboring a dog which was unlicensed at the time of seizure does not produce a license and registration tag for the dog.
- B. At the time of adoption, the right of ownership in the animal shall transfer to the new owner. No dog so caught and detained or procured, obtained, sent or brought to a pound or shelter shall be sold or otherwise made available for the purpose of experimentation.
- K. Original Section 6-24, Fees (for Animal Warden services), amended 2-17-1976 by Ord. No. 2171, is repealed.

Article II, Cats.

- A. Section 106-23, Definitions, is amended by adding the definition of nuisance cat deleted from § 106-1 as follows:
NUISANCE CAT -- A cat which habitually causes disturbance to persons other than its owners, whether by reason of excessive and disturbing noise, or by depositing feces on property other than the property of its owners, or otherwise.
- B. Section 106-25, Licensing requirements, Subsection G, is amended as follows:
G. A license shall be issued after payment of a fee as set forth below in Chapter 191, Fee Schedule, and as hereafter amended from time to time. Late fees shall be imposed after March 1, April 1 and May 1 as set forth in Chapter 191.
(1) ~~Spayed or neutered cat, one year license: \$4.~~
(2) ~~Unneutered or unspayed cat, one year license: \$8.~~
- C. Original Subsection I of Section 3, dealing with the fee for duplicate license or registration sleeve is repealed.
- D. Section 106-27, Impounding of unlicensed cat, Subsection A, is amended by adding the following Subsection A(5):
(5) Any nuisance cat.

Chapter 134, Building Design and Appearance.

Sections 134-5, Submission of survey or drawing required, and 134-7, Appeal from action of official, are amended by changing "building subcode official" to "Zoning Official."

Chapter 152, Buildings, Unsafe.

The following changes are made to the sections noted below pursuant to N.J.S.A. 40:48-2.5:

- A. Section 152-2, Enforcement, Subsection B(1), is amended by changing "not less than 10 days" to "not less than seven days."
- B. The following new § 152-3 is added:
Any building or buildings, or parts thereof, which have been damaged to such an extent that nothing remains but the walls, or parts of the walls and other supports, shall, regardless of the safety and sturdiness of those remaining walls or parts thereof, be deemed inimical to the welfare of the residents of the City and the municipality may exercise its police powers to repair, demolish, or cause the repairing or demolishing of the building or buildings, or parts thereof, pursuant to the procedures set forth in this chapter.
- C. Section 152-4, Standards, is amended as follows:
The public officer may determine that a building is unfit for human habitation or occupancy or use if he finds that conditions exist in such a building which are dangerous or injurious to the health or safety of the occupants of such buildings, the occupants of neighboring buildings or other residents of the City of Englewood. Such conditions may shall be deemed to include, but shall not necessarily be limited to, the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness; failure to comply with the requirements of the Building Code or the certificate of occupancy.

Chapter 159, Certificates of Continuing Occupancy.

A new § 159-4 is added to read as follows:

159-4. Fees.

The fee for a certificate of continuing occupancy shall be as provided for in Chapter 191, Fee Schedule.

Chapter 167, Construction Codes, Uniform.

- A. Original Section 9-7, Plan review, as amended 12-20-1977 by Ord. No. 2288 and 11-7-2007 by Ord. No. 07-27, is repealed. See now Chapter 191, Fee Schedule.
- B. Section 167-8, Fees is amended by deleting the existing fees adopted in 2007 and referencing the current fees in Chapter 191, Fee Schedule.

§ 167-8. Fees.

Fees shall be as provided for in Chapter 191, Fee Schedule.

- C. Section 167-9 is amended by changing “not less than \$00” to “not less than \$100.”
- D. Original Section 9-19, Reorganization of positions, is repealed.

Chapter 180, Eating Establishments.

Article II, Outdoor Cafes.

Section 180-16, License fee, is amended as follows:

Except as hereinafter amended from time to time pursuant to the current Fee Ordinance of the City of Englewood, the The application fee for a license for an outdoor cafe shall be \$100 as provided for in Chapter 191, Fee Schedule.

Chapter 191, Fee Schedule.

A. Section 191-6, Miscellaneous, is amended in the following respects:

- (1) The fee for emergency inspections is amended as follows:
Saturdays, Sundays and holidays for an inspection requiring up to 4 hours
- (2) A fee for the renewal of distress auction sales licenses is added at \$25 per day.
- (3) The fee for an auctioneer license application is added at \$0 and the fee for what was designated as the application is changed to “auction sale permit, per year” with the same fee of \$250. This is done to reconcile the fees with Chapter 112.
- (4) In § 191-6, “Encumbrance of public property (dumpster/construction)” is amended as follows:

<u>Temporary encumbrance of public property right-of-way (dumpster/construction) dumpster, construction, etc.</u>	<u>\$20 per week plus \$10 per day per parking space meter if applicable per-day</u>
---	--

- (5) The fee for garage sales and flea markets is amended by adding “per permit (2 days).”
- (6) The fee for pay telephones in the public right-of-way is repealed.
- (7) The fee for television and movie filming is revised to read as follows

<u>Television and movie Filming permit:</u>	
<u>Per location per day on private property</u>	\$300
<u>Additional for filming on public property Per location per day on public property</u>	\$600

B. Section 191-10, Planning and engineering: The fee for the inspection of excavations and installation of facilities is changed from \$110 per hour to \$120 per hour.

C. Section 191-11, Police Department:

- (1) The heading “Copies of accident and field reports” is changed to “Copies of motor vehicle accident reports” and “Mailed reports - additional \$5” is added.
- (2) Mailing reports is changed to “Mailed reports (criminal).”
- (3) Discovery is amended by adding: CD \$25 each.
- (4) The fee of \$30 for fingerprinting is repealed.
- (5) “Investigation reports” is changed to “Investigation reports (criminal).”
- (6) A category for “field reports (noncriminal)” is added to read as follows:

<u>Field reports (noncriminal):</u>	
<u>Per pages 1 to 10</u>	\$0.75
<u>Per pages 11 to 20</u>	\$0.50
<u>Per pages over 20</u>	\$0.25

D. Section 191-14, Uniform construction code fees:

- (1) A new Subsection A(1) is added to read as follows:
- (1) *Exemptions. The following shall be exempt from the local construction permit fees:*
- (a) *Disabled persons. No person shall be charged a local construction permit fee for any construction, reconstruction, alteration, or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing public or private structure or any of the facilities contained therein.*
- (b) *Environmental. No person shall be charged a local construction permit for any construction, reconstruction, alteration, or improvement designed and undertaken solely to install solar photovoltaic systems to promote reductions of emissions of greenhouse gasses.*
- (2) Subsection B, Building subcode fees, is amended as follows:
- (a) Subsection B (1) is amended by changing "Section D of Article 13 of Part I of the Regulations" to "N.J.A.C. 5:23-4.18(c)."
- (b) Subsection B (2), Renovations, (a) is amended as follows:
- [1] ~~Up to Per \$1,000 up to \$100,000 of total alteration costs: \$20.~~
- [2] ~~Between Per \$1,000 for \$100,000 and to \$250,000 of total alteration costs: \$15.~~
- [3] ~~Over Per \$1,000 over \$250,000 of total alteration costs: \$10.~~
- [4] ~~Minimum fee: \$60.~~
- (c) Subsection B (4) is amended as follows:
Permit fees for structure additions shall be computed on the same basis as for new construction for the portion to be added as computed in accordance with N.J.A.C. 5:23-4.18(c)(iii) promulgated under the Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.). The minimum fee for additions shall be \$500.
- (d) Subsection B (10) is amended as follows:
 (10) ~~The state surcharge is calculated upon current state fees. [N.J.A.C. 5:23-4.19(b)]. In addition to any other fee set forth herein, there shall be charged a State of New Jersey training fee in an amount of \$0.00334 per cubic foot of volume, which shall be charged to all new construction and additions to existing structures. Such fees shall be forwarded to the Bureau of Housing Inspection, Department of Community Affairs, pursuant to regulations adopted by the Commissioner of the Department of Community Affairs [N.J.A.C. 5:23-4.19(b)].~~

Chapter 212, Fire Prevention.

Article I, Smoke Detectors.

Section 212-5, Enforcement, is amended by changing Department of Community Development and Housing to Department of Community Affairs, Division of Fire Safety.

Article II, Fire Prevention Code.

Section 212-19, Basic fire control and enforcement authority, Subsection B(1), is amended to change the Penalty Collection Act (N.J.S.A. 2A:58-1) to the Penalty Enforcement Law of 1999 (N.J.S.A. 2A:58-12 et seq.).

Article III, Identification of Buildings Containing Truss or Premanufactured Components.

Section 212-23, Definitions, is amended by changing the definition of "Fire or Fire Department" by deleting "Fire or."

Chapter 222, Flood Damage Prevention.

A. Section 222-5, Definitions, definition of "substantial improvement," is amended to read as follows:

~~*SUBSTANTIAL IMPROVEMENT* — *Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.*~~

SUBSTANTIAL IMPROVEMENT -- Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

- B. Section 222-17, Provisions for flood hazard reduction, Subsection C(1), is amended to add the following sentence after the first sentence to read as follows: *"All encroachments require permits and/or waivers from the New Jersey Department of Environmental Protection."*

Chapter 236, Graffiti.

Section 236-4, Violations and penalties, is amended by changing N.J.S.A. 2A:20-1 et seq. to N.J.S.A. 2A:4A-20 et seq.

Chapter 250, Land Use.

- A. Original Article 2, Definitions, is repealed. See now the definition of "steep sloped areas" which has been moved to § 250-58, Definitions.
- B. Section 250-8, Fees, is amended by deleting the existing fees and referencing the current fees in Chapter 191, Fee Schedule, so that § 250-8 reads as follows:
§ 250-8, Fees.
Chapter 191, Fee Schedule, shall apply to applications for development, said fees to be paid to the City of Englewood prior to any action being taken by any municipal agency respecting said application.
- C. Original Section 1, Title, of Article 6, Site Plan Review, is repealed. See now § 250-1.
- D. Original Section 1, Title, of Article 7, Subdivision, is repealed. See now § 250-1.
- E. Section 250-53, Purposes, the lead-in paragraph, is amended as follows:
There is hereby established a revised comprehensive zoning plan ~~and Zoning Ordinance for the City of Englewood, New Jersey, which is set forth in the text and map that constitute this ordinance Part 4, which Said ordinance is adopted for the purposes stated in the Municipal Land Use Law of the State of New Jersey, and which, for the protection and promotion of the public health, safety and welfare, shall be deemed specifically to include the following purposes, among others:~~
- F. Section 250-47, Major subdivision procedure, Subsection F(1), is amended by changing Section 20 of Chapter 433 of the Laws of 1953 (N.J.S.A. 40:55-1.20) to N.J.S.A. 40:55D-38 to 40:55D-41 and 40:55D-44.
- G. Section 250-55, Zoning Map, the lead-in paragraph of Subsection A and Subsection A(1) are amended as follows:
A. *The boundaries of the said districts are hereby established as shown on the "Zoning Map, City of Englewood, New Jersey," dated January 16, 1979 ~~February 1, 2001, last revised February 18, 2009, which map accompanies and which, with all explanatory matter thereon, is hereby adopted and made a part of this chapter.~~*
(1) *The boundaries of the zoning districts established by the map entitled "~~Zoning Map, City of Englewood, New Jersey~~", dated January 16, 1979, referred to in this section, are amended so as to designate the following premises as being in the One-Family Residence (R-D) District rather than in the Multiple Residence (RMA) District: Lots 15, 16 and 17 in Block 704, as shown on the Tax Map of the City of Englewood, being premises located on the north side of West Hudson Avenue, east of Tenafly Road.*
- H. Section 250-60, Multiple Residence (RMA) District, Subsection E(2)(b) is amended by changing the reference to Section 4-3-8 (no such section exists) to read "this § 250-60."
- I. Section 250-62, Multiple Residence (RMH) District, Subsection J, is amended by changing the original reference to Section 4-2.9 (now § 250-60I) to 4-2.12 (now § 250-60L).
- J. Section 250-69, Attached Townhouse (ATH) District, Subsection D(3), is amended by changing the original reference to Section 4-9.4 (now Subsection D of § 250-69) to 4-9.7 (now Subsection G of § 250-69).
- K. Section 250-102, Definitions (in Article XV, Signs), the definition of "Board" is repealed.
~~BOARD—The Sign and Business Facade Review and Recommendation Board of the City of Englewood.~~
- L. Section 250-138, Redevelopment plans: Subsection A is amended as follows:
A. *Applicability. This section shall be applicable to all applications for development within an area declared as "an area in need of renewal" pursuant to the provisions of N.J.S.A. 40:55C-3 and 40:55-21.1 and undertaken as part of a redevelopment plan adopted in accordance with the provisions of N.J.S.A. 40:55C-1 et seq. N.J.S.A. 40A:12A-1 et seq. and authorized pursuant to a developer's agreement between a redeveloper and the City Council or a redevelopment agency established by the City of Englewood.*

Chapter 254, Laundries and Dry-Cleaning Establishments.

Article I, Dry-Cleaning Establishments.

Section 254-2, License required; application; compliance with other regulations; fee; expiration date, Subsection E, is amended as follows:

The annual fee for such a license and the annual per-machine fee shall be at the rate of \$5 provided for in Chapter 191, Fee Schedule, for each dry cleaning self-service machine installed on the premises with a minimum fee of \$25. Each license shall expire on December 31 of the year in which it is issued.

Article II, Laundries and Launderettes.

Section 254-12, License required; application; compliance with other regulations; fee; expiration date, Subsection E is amended as follows:

The annual fee per-machine fee for such a license shall be at the rate of \$5 for each self-service washing machine and dryer installed on the premises with a minimum fee of \$25 as provided for in Chapter 191, Fee Schedule. Each license shall expire on December 31 of the year in which it is issued.

Chapter 286, Noise.

- A. Section 286-2, Definitions, the definition of "sound level meter" and Subsection F of § 286-3, Powers, duties and qualifications of Noise Control Officer, are amended to change N.J.A.C. 7:29B to N.J.A.C. 7:29-2.1 et seq.
- B. Section 286-3, Powers, duties and qualifications of Noise Control Officer, Subsection C, is amended to change N.J.A.C. 7:29 to N.J.A.C. 7:29-1.1 et seq.
- C. Section 286-7, Exceptions, Subsection E, is amended to change N.J.A.C. 7:29-13 to N.J.A.C. 7:29-1.4.

Chapter 317, Property Maintenance.

- A. Section 317-39, Violations and penalties is amended as follows:
Any person convicted of a violation of this article shall be subject to a fine not less than \$100 nor more than \$1,000 or imprisonment for a term not to exceed 90 days, or both the penalties in § 317-62A. A separate violation shall occur on each day during which a violation continues.
- B. Section 317-43, License fee, is amended as follows:
The license fee and per-room fee shall be due and payable as of June 1 of each year. Where licenses are issued after December 1, the licensee shall pay 1/2 of the license and per-room fee. The annual license fee shall be \$25 as provided in Chapter 191, Fee Schedule.

Chapter 325, Rental Property.

Article I, Rent Control in Substandard Units.

- A. Section 325-2, Definitions, the definition of "substandard multiple dwelling" is amended as follows:
SUBSTANDARD MULTIPLE DWELLING -- Any multiple dwelling determined to be substandard by the public officer, based upon the standards set forth in the State Housing Code as promulgated by the bureau of housing on July 25, 1966, and as thereafter amended and supplemented, and Chapter 317, Property Maintenance, of the Code of the City of Englewood, the higher standard to control. The determination of the public officer as to the controlling standard in the event of a conflict between the two codes shall be conclusive.
- B. Section 325-3, Standards for enforcement, is amended as follows:
The State Housing Code promulgated by the bureau of housing on July 25, 1966 and as thereafter amended and supplemented setting which sets standards consistent with the minimum health and safety requirements as heretofore adopted is hereby readopted shall be used as the standard in the enforcement of this article.

Article II, Licensing and Registration of Multiple Dwellings and Condominiums.

Section 325-20 and 325-21 are amended to delete Subsections E and D, respectively, of those sections, which subsection contained penalties. A new penalty section is added to read as follows:

§ 325-23. Violations and penalties.

Any person violating any provision of this article shall be subject to a fine of not less than \$100 nor more than \$1,000 or imprisonment for a term not exceeding 90 days, or both, for each separate violation thereof.

Article IV, Tenant Selection Procedures for Subsidized Housing.

Section 325-36 is added to read as follows:

§ 325-36. Violations and penalties.

Any person violating any provision of this article shall be subject to a fine of not less than \$100 nor more than \$1,000 or imprisonment for a term not exceeding 90 days, or both, for each separate violation thereof.

Article VI, Emergency Fuel Oil Delivery.

- A. Section 325-46, Billing; institution of proceedings by City, is amended by revising the second to last sentence as follows:
The City of Englewood may institute any proceedings against a landlord whose negligence or failure to act results in the necessity for the City of Englewood to arrange for the providing of fuel oil or refining the burner as provided herein under the Penalty Enforcement Law of 1999 (N.J.S.A. 2A:58-10 et seq.) as provided pursuant to the provisions of the Emergency Fuel Oil Delivery Act, P.L. 1980, c. 170; N.J.S.A. 26:3-31.4 et seq.

- B. Section 325-48 is added to read as follows:
§ 325-48. Violations and penalties.
Any person violating any provision of this article shall be subject to a fine of not less than \$100 nor more than \$1,000 or imprisonment for a term not exceeding 90 days, or both, for each separate violation thereof.

Chapter 334, Sales, Special.

Article I, Distress Sales

Section 334-15, Distress sales by auction, Subsection C, is amended as follows:

The license holder (or its agent if the holder is a corporation) shall remain in continuous attendance while any sale by the auctioneer is being conducted, and a violation by the auctioneer, or any other person participating in such sale, shall be deemed to be a violation by the license holder as well.

Article II, Garage Sales and Flea Markets

Sections 334-24 (Enforcement officials) and 334-25 (Liability) are amended by changing "Division of Police" to "Police Department."

Chapter 342, Sewers.

Section 342-37, Fees for licenses and permits, is amended as follows:

The fee to be charged for a license or permit issued pursuant to the provisions of this chapter shall be as follows provided for in Chapter 191, Fee Schedule:

- A. ~~For a connection to the public sewer, for residential or commercial property: \$5.~~*
- B. ~~For a connection to the public sewer, for industrial property: \$25.~~*
- C. ~~For disconnection from the public sewer: \$10.~~*
- D. ~~For a sludge removal operator's license: \$10 per year~~*
- E. ~~For a sludge removal permit: \$5.~~*
- F. ~~For each inspection as provided herein: \$5.~~*

Chapter 347, Shopping Carts.

- A. Section 347-6, Notice of removal and redemption; fee, is amended by changing the fee of \$3 to "a fee of \$4 but not to exceed \$50."
- B. Section 347-7, Redemption by owner; proof of ownership defense to adverse claimant, Subsection A, is amended by changing "...payment of the sum of \$3" to "...payment of the sum as provided in § 347-6." Section 347-8, Notice of public auction; pre-auction redemption; fees, Subsections A and B, are amended to refer to the sum in § 347-7.

Chapter 370, Stormwater and Surface Drainage.

- A. Section 370-1, Authority, is amended by changing the reference to N.J.S.A. 58:16-1 et seq. to read N.J.S.A. 58:16A-1 et seq.
- B. Section 370-3, Applicability, the first sentence of Subsection C, is amended as follows:
This chapter shall only apply to permit and any stormwater management facilities constructed as party part of any of the regulated activities as hereinafter defined.

Chapter 380, Streets and Sidewalks.

Article IV, Awnings.

Section 380-27, Permit required; fee requirements; issuance, Subsection B, is amended as follows:

No permit for any such awning shall be issued by the Construction Code Official unless or until the proposed awning has been reviewed and approved by the ~~Sign and Business Appearance Review and Recommendation Board pursuant to the provisions of Ordinance No. 2337 of the City of Englewood, as amended~~ Zoning Official and Construction Code Official.

Article VIII, Temporary Closing of Streets.

Section 380-44, Authority to close by regulation; sprinkler use, is amended as follows:

The ~~Mayor or the City administrator~~ City Manager is hereby authorized to provide by regulation for the closing of any street or portion thereof to motor vehicle traffic on any day or days or during specified hours on any day or days whenever such street or portion thereof is used in conjunction with the operation of a fire hydrant water sprinkler or whenever he finds that such closing is necessary for the preservation of the public safety, health, or welfare.

Article X, Temporary Obstructions.

Section 380-54A and C are amended by changing the references to the License Clerk to read the "City Clerk's office." Subsection C is further amended by changing the application fee from \$10 to \$20.

Chapter 385, Swimming Pools.

Article I, Municipal Pool.

- A. Section 385-3, Periods of operation; closing, is amended to read as follows:

§ 385-3. Periods of operation; closing.

- A. *The pool season shall commence on the last day of public school term of each year with a seven-day week schedule.*

- B. The pool may be closed for maintenance operations, health conditions, inclement weather, or any other reason deemed necessary by the pool manager and/or the Director of Recreation.
- C. The presence of any person within the pool premises at any time other than during operating hours shall be deemed in violation of this article.

B. Original Section 23-4, Swimming instruction, is repealed.

C. Section 385-5, Use of badges, Subsection C, is amended as follows:

- C. ~~On weekdays a lost badge must be reported immediately to the recreation office. On Saturdays, Sundays and holidays, replacement badges may be obtained at the pool office. There will be a non-refundable service charge of \$3 for replacing lost or damaged badges. Replacement swim membership cards must be purchased at full price.~~

D. Section 385-6, Health and safety regulations, is amended to read as follows:

§ 385-6. Health and safety regulations.

- A. All bathers must rinse with water before entering the pool area.
- B. No smoking is permitted.
- C. Admission to the pool shall be refused to anyone showing evidence of a communicable disease, sore or inflamed eyes, infection, or any type of skin disease. No person with any type of bandage or cast will be allowed in any pool area.
- D. No pets shall be allowed within the pool facilities.
- E. No glass or metal containers of any kind will be permitted within the pool area.
- F. No running, pushing, ball playing, or undue disturbances affecting the safety and comfort of others will be permitted.
- G. No food or beverages shall be brought into the pool area.
- H. No diving is permitted.
- I. All bathers must wear bathing suits at all pool areas.
- J. Kapok or cork jackets, air-inflated tubes, underwater masks, goggles, flippers, snorkels, etc., will not be permitted.
- K. Parents should make certain that their children make periodic visits to the rest rooms.
- L. Expectorating and nose blowing in the pool is prohibited.
- M. Only water shoes will be permitted in the deck area.
- N. Dressing and undressing will be done in bathrooms only.

Article II, Private Pools and Wading Pools.

Section 385-19, Location, Subsection A(1), is amended as follows:

Residence Districts R1AA and R1A R-AAA, R-AA, R-A and R-B.

Chapter 393, Taxicabs.

Section 393-6, Insurance, is amended as follows:

~~No taxicab license shall be issued hereunder unless the applicant shall first submit to the City Clerk a certificate of insurance issued by an insurance company licensed to do business in the state of New Jersey, certifying that the applicant maintains liability insurance covering all taxicabs to be used by him, with policy limits of not less than \$100,000 for injury or death to one person, and \$300,000 for injury or death resulting from any one accident, and limits of liability of not less than \$10,000 for property damage. The owner shall file with the Municipal Clerk an insurance policy of a company duly licensed to transact business in the state providing insurance in the amount of \$10,000 to satisfy all claims for damages by reason of bodily injury or death of any one person, and not less than \$20,000 to satisfy all claims of bodily injury or death in any one accident, and not less than \$5,000 to satisfy any claims for property damage. Such certificate shall state that no such policy may be canceled or changed in any material respect without 30 days' prior notice to the City.~~

Chapter 410, Towing.

A. Original Section 10-71, New applications not required of existing licensees, is repealed.

B. Section 410-10, License fee; term of license, Subsection A, is amended as follows:

~~No license shall be issued until the applicant therefore has paid the first annual fee therefore which shall be the sum of \$75 for the first year or any part thereof fee provided for in Chapter 191, Fee Schedule.~~

FIRST READING DATE: March 20, 2012

COUNCIL	MOTION	VOTE
Algrant	X	Y
Forman		Y
Skurnick		Y
Cohen		Y
Drakeford		N

DATE PUBLISHED IN THE RECORD: March 23, 2012

DATES PUBLIC HEARINGS HELD: April 24, 2012

DATE SECOND READING HELD: April 24, 2012

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant		Y		Y		Y
Forman		Y		Y		Y
Skurnick	X	Y	X	Y	X	Y
Cohen		Y		Y		Y
Drakeford		Y		Y		Y

Public Hearing – Ordinance # 12-14: No one from the Public came forward to speak

ORDINANCE #12-15

AN ORDINANCE OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF ENGLEWOOD AND APPROPRIATING \$3,565,600 THEREFORE, AND PROVIDING FOR THE ISSUANCE OF \$3,395,640 IN BONDS OR NOTES OF THE CITY OF ENGLEWOOD TO FINANCE THE SAME

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Englewood, in the County of Bergen, New Jersey (the "City") as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$3,565,600 including the aggregate sum of \$169,960 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$3,395,640 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefore, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) Purpose: 2012 Road Improvement Program, including but not limited to, improvements to Bilmar Place, Brookside Avenue, Demarest Avenue (Dean to Tenafly), Henry Street, Lantana (Manor to Liberty), Manor Road (Hudson to Ivy Lane), Meadowbrook Road, Middlesex Road (Cape May to Gloucester), N. Van Brunt Street, Orchard Street (Hudson to Ivy Lane), Ridge Road, Rockwood Place (Grand to Broad), Mackay Park Parking Lot (Northeast Lot), Bergen Lot and Next Day Hill Road, and including all work and materials necessary therefore or incidental thereto.

Appropriation and Estimated Cost: \$1,560,000
Estimated Maximum Amount of Bonds or Notes: \$1,485,700
Period or Average Period of Usefulness: 20 years
Amount of Down Payment \$ 74,300

- (b) Purpose: Reconstruction of various roads in the City, including, but not limited to, Walnut Street (Hillside and Lydecker) and Lincoln Street (Walnut to Palisade), and including all work and materials necessary therefore or incidental thereto.

Appropriation and Estimated Cost: \$702,000
Estimated Maximum Amount of Bonds or Notes: \$668,500
Period or Average Period of Usefulness: 20 years
Amount of Down Payment: \$ 33,500

(c) Purpose: Reconstruction and replacement of various curbs and sidewalks located in the City and replacement of concrete cross walk, and including all work and materials necessary therefore or incidental thereto.

Appropriation and Estimated Cost: \$200,000
Estimated Maximum Amount of Bonds or Notes: \$190,475
Period or Average Period of Usefulness: 10 years
Amount of Down Payment: \$ 9,525

(d) Purpose: Various City-wide drainage improvements, including, but not limited to, Quarry Pond Outlet cleanup and culvert replacements, and including all work and materials necessary therefore or incidental thereto.

Appropriation and Estimated Cost: \$330,600
Estimated Maximum Amount of Bonds or Notes: \$314,850
Period or Average Period of Usefulness: 10 years
Amount of Down Payment: \$ 15,750

(e) Purpose: Sanitary sewer replacements at various locations in the City, and including all work and materials necessary therefore or incidental thereto.

Appropriation and Estimated Cost: \$75,000
Estimated Maximum Amount of Bonds or Notes: \$71,425
Period or Average Period of Usefulness: 40 years
Amount of Down Payment: \$ 3,575

(f) Purpose: Acquisition of three pump station generators, and including all work and materials necessary therefore or incidental thereto.

Appropriation and Estimated Cost: \$134,000
Estimated Maximum Amount of Bonds or Notes: \$127,600
Period or Average Period of Usefulness: 15 years
Amount of Down Payment: \$ 6,400

(g) Purpose: Improvements to various City Parks, including, but not limited to, the acquisition of play equipment, and including all work and materials necessary therefore or incidental thereto.

Appropriation and Estimated Cost: \$128,000
Estimated Maximum Amount of Bonds or Notes: \$121,900
Period or Average Period of Usefulness: 15 years
Amount of Down Payment: \$ 6,100

(h) Purpose: Various City-wide improvements, including, but not limited to, the acquisition of trees and improvements to the City ice rink, and including all work and materials necessary therefore or incidental thereto.

Appropriation and Estimated Cost: \$209,000
Estimated Maximum Amount of Bonds or Notes: \$199,000
Period or Average Period of Usefulness: 15 years
Amount of Down Payment: \$ 10,000

(i) Purpose: City-wide environmental clean-up projects, including, but not limited to, the City pistol range, firehouse and Armory Street, and including all work and materials necessary therefore or incidental thereto.

Appropriation and Estimated Cost: \$227,000
Estimated Maximum Amount of Bonds or Notes: \$216,190
Period or Average Period of Usefulness: 15 years
Amount of Down Payment: \$ 10,810

(j) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(l) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefore.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the City may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 17.953 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,395,640 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$350,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

(e) The City reasonably expects to commence the acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. After passage upon first reading of this bond ordinance, the City Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The City Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the City Council, the City Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The City Council of the City hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"),

including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law

FIRST READING DATE: April 3, 2012

COUNCIL	MOTION	VOTE
Algrant		Y
Forman		Y
Skurnick		N
Cohen	X	Y
Drakeford		AB

DATE PUBLISHED IN THE RECORD: April 6, 2012

DATES PUBLIC HEARINGS HELD: April 24, 2012

DATE SECOND READING HELD: April 24, 2012

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant	X	Y	X	Y	X	Y
Forman		Y		Y		Y
Skurnick		Y		Y		N
Cohen		Y		Y		Y
Drakeford		Y		Y		Y

Public Hearing – Ordinance # 12-15:

- Norman Gorlyn 150 Madison Avenue:
 - Asked if this included the totality of the work scheduled for 2012.

Comments from the Mayor and Council on Ordinance # 12-15:

- Councilman Skurnick stated that he would be voting “No” on this Ordinance because Lincoln Street was put on at the last minute and was never included in any prior Capital Budget.
- Mayor Huttle explained that Lincoln Street was discussed previously.

Public Comment on Agenda Items: No one from the Public came forward to speak

RESOLUTION #099-04-24-12

RESOLUTION CALLING FOR THE RESTORATION OF ENERGY TAXES TO MUNICIPALITIES

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, while the State may need to have the right to over-ride the statutory dedication of these revenues to local governments, in order to deal with emergencies and crises that may occur; current State policy makers should not exercise that right automatically; and

WHEREAS, while that right should be the exception, it has become the rule; and

WHEREAS, by using tactics such as reducing CMPTRA, which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, from \$72 million in State Fiscal Year 2005, to \$505 million in State Fiscal Year 2011, the State's diversion of Energy Taxes has continued to grow; and

WHEREAS, in 2008, 2009 and 2010 (SFY 2009, 2010 and 2011), funding for municipal revenue replacement was slashed by about \$26 million in 2008 and \$32 million in 2009, followed by losses of about \$271 million in 2010; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use for these resources, which were always intended to fund local programs and services;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of Englewood that we join with the League of Municipalities in calling for the immediate restoration of funding diverted from Energy Taxes intended for local use; and

BE IT FURTHER RESOLVED, that we, respectfully, call on State policy makers to end the diversion of our municipal resources to cover State spending and to provide us with this important tool to relieve the worst-in-the-nation property tax burden borne, for too long, by the people of New Jersey; and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Governor of the State of New Jersey, our State Legislators and the League of Municipalities.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>					X
<i>Drakeford</i>		X			

RESOLUTION #100-04-24-12

AUTHORIZING AWARD OF CONTRACT FOR HEATING AND AIR CONDITIONING MAINTENANCE SERVICES

WHEREAS, sealed bids were received on March 22, 2012 for Heating and Air Conditioning Maintenance Services for the years 2012 and 2013 in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids were received from eight (8) bidders; and

WHEREAS, the bids submitted by Pow-R-Save, Inc. and John Duffy Fuel were deemed the lowest, responsive bidders. Additional analysis was performed by the Purchasing Agent resulting in the award to Pow-R-Save, Inc.; 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 Pow-R-Save, Inc., 27 West Street, Bloomfield, New Jersey, 07003 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 Pow-R-Save, Inc., for Heating and Air Conditioning Maintenance Services 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>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>					X
<i>Drakeford</i>		X			

RESOLUTION #101-04-24-12

AUTHORIZING AWARD OF CONTRACT FOR ELECTRICAL MAINTENANCE SERVICES

WHEREAS, sealed bids were received on March 22, 2012 for Electrical Maintenance Services for the years 2012 and 2013 in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids were received from five (5) bidders; and

WHEREAS, the bid submitted by East-West Electrical Contractors, Inc., 19 Tyson Place, Bergenfield, New Jersey 07621 for the sum of \$38,339.40 for both April 2012 through March 2013 and April 2013 through March 2014 were determined to be the low bids and are in compliance with the specifications and additionally the award was also based on East-West Electrical Contractors, Inc. having the lowest hourly rate for the Electrician, Helper and Electrician's Overtime; 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 bids submitted by East-West Electrical Contractors, Inc., are 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 Electrical Maintenance Services 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>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>					X
<i>Drakeford</i>		X			

RESOLUTION #102-04-24-12

AUTHORIZING AWARD OF CONTRACT FOR CLEANING SERVICES

WHEREAS, quotations were solicited for Cleaning Services for the Public Safety Complex and City Hall from May 1, 2012 to April 30, 2013 in accordance with specifications therefore; and

WHEREAS, quotations were solicited from five (5) vendors and two (2) vendors submitted responses; and

WHEREAS, the quotation submitted by Oriental Pacific Maintenance Company, 1Lethbridge Plaza, Mahwah, New Jersey 07430 for the sum of \$30,000 for the one-year contract was determined to be the low quote and 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 quotation 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 quotation submitted by Oriental Pacific, 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 Oriental Pacific Maintenance Company, for Cleaning Services 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>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>					X
<i>Drakeford</i>		X			

RESOLUTION #103-04-24-12

AUTHORIZING AWARD OF CONTRACT FOR PLUMBING MAINTENANCE SERVICES

WHEREAS, sealed bids were received on March 22, 2012 for Plumbing Maintenance Services for the years 2012 and 2013 in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids were received from five (5) bidders; and

WHEREAS, the bid submitted by William J. Guarini Inc., 76 Fisk Street, Jersey City, New Jersey 07305 was determined to be the low bid and is in compliance with the specifications; and based upon the recommendation of the Purchasing Agent and the Superintendent of Public Works, can be accepted by the City Council; and

June 2012 - May 2013

Vendor	Plumber's Hourly Rate	Helper's Hourly Rate	Plumber's Overtime	Helper's Overtime	Material Mark up
William Guarini Jersey City, NJ	85.00	34.00	127.50	51.00	10.00%

June 2013 - May 2014

Vendor	Plumber's Hourly Rate	Helper's Hourly Rate	Plumber's Overtime	Helper's Overtime	Material Mark up
William Guarini Jersey City, NJ	85.00	34.50	127.50	51.75	10.00%

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 William J. Guarini 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 William J. Guarini Inc., for Plumbing Maintenance Services 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>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>					X
<i>Drakeford</i>		X			

RESOLUTION #104-04-24-12

**AUTHORIZING AWARD OF CONTRACT FOR
MOTOR VEHICLE REPAIR AND MAINTENANCE SERVICES**

WHEREAS, sealed bids were received on March 22, 2012 for Motor Vehicle Repair and Maintenance Services for the years 2012 and 2013 in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids were received from one (1) bidder; and

WHEREAS, the bid submitted by S & H Auto Repair, 75 Lafayette Place, Englewood, New Jersey 07631 was the lowest responsible bid for Basic Labor Rate \$52.00 per hour and Diesel Rate \$52.00 per hour for June 1, 2012 through May 31, 2013 and Basic Labor Rate \$54.00 per hour and Diesel Rate \$54.00 per hour from June 1, 2013 through May 31, 2014 was determined to be the low bid and 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 bid submitted by S & H Auto Repair, 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 S & H Auto Repair, for Motor Vehicle Repair and Maintenance Services 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>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>					X
<i>Drakeford</i>		X			

RESOLUTION #105-04-24-12

AUTHORIZING AWARD OF CONTRACT FOR 2012 CURB AND SIDEWALK PROGRAM

WHEREAS, sealed bids were received on April 19, 2012 for the 2012 Curb and Sidewalk Program in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids were received from eight (8) bidders listed on the attached Bid Summary Sheet; and

WHEREAS, the bid submitted by DM Fernandes Contracts, LLC, 90 Willow Street Carteret, New Jersey 07008 for the sum of \$150,094.94 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 DM Fernandes Contracts, 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 DM Fernandes Contracts, LLC for the 2012 Curb and Sidewalk Program 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 12-15(c)

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>					X
<i>Drakeford</i>		X			

RESOLUTION #106-04-24-12

AUTHORIZING AWARD OF CONTRACT FOR 2012 ROAD IMPROVEMENT PROGRAM

WHEREAS, sealed bids were received on April 19, 2012 for the 2012 Road Improvement Program in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids were received from seven (7) bidders listed on the attached Bid Summary Sheet; and

WHEREAS, the bid submitted by New Prince Concrete Construction Co., 215 Elleen Terrace, Hackensack, New Jersey 07601 for the sum of \$1,293,851.00 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 New Prince Concrete Construction Co. 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 New Prince Concrete Construction Co. for the 2012 Road Improvement Program 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 12-15(a)

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>					X
<i>Drakeford</i>		X			

RESOLUTION #107-04-24-12

**AUTHORIZING AWARD OF CONTRACT FOR ROOF REPLACEMENT
AND MASONRY REPAIR WORK AT ENGLEWOOD CITY HALL**

WHEREAS, sealed bids were received on April 20, 2012 for Roof Replacement and Masonry Repair Work at Englewood City Hall in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids were received from seven (7) bidders listed on the attached Bid Summary Sheet; and

WHEREAS, the bid submitted by Laumar Roofing Co., 426 Gregory Avenue, Passaic, New Jersey 07055 for the sum of \$181,000.00 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 Laumar Roofing Co. 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 Laumar Roofing Co. for Roof Replacement and Masonry Repair Work at Englewood City Hall 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(f)

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>					X
<i>Drakeford</i>		X			

RESOLUTION #108-04-24-12

**AWARD CONTRACT TO PROVIDE SURVEYS
FOR ROAD RECONSTRUCTION PROJECTS**

WHEREAS, the City of Englewood is desirous of contracting with a vendor to provide for Survey Services for Road Reconstruction Projects and issued a RFP for professional services related to providing this service; and

WHEREAS, two (2) proposals were received, and the City Engineer has recommended that Piazza Engineering located at 2-14 Fair Lawn Avenue, Fair Lawn, New Jersey 07410 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 City Manager has determined that the value of this contract for service rendered by Piazza Engineering will not exceed \$28,000 in the 2012 operating year.

WHEREAS, Piazza Engineering 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 contract is hereby awarded to Piazza Engineering to provide Surveying Services for Road Reconstruction Projects, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and Piazza Engineering to provide the scope of work in their attached proposal;

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 Record 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>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>					X
<i>Drakeford</i>		X			

RESOLUTION #109-04-24-12

**LEAD AGENCY RESOLUTION FOR THE
ESTABLISHMENT OF A COOPERATIVE PRICING SYSTEM**

A resolution authorizing the city of Englewood to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements with other contracting units

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes two or more contracting units to establish a Cooperative Pricing System and to enter into a Cooperative Pricing Agreement for its administration; and

WHEREAS, the City of Englewood, County of Bergen, State of New Jersey is desirous of establishing a Cooperative Pricing System and entering into a Cooperative Pricing Agreement with other contracting units;

WHEREAS, the City of Englewood has agreed to serve as the Lead Agency for a Cooperative Pricing System; and

WHEREAS, on April 24, 2102 the governing body of the City of Englewood, County of Bergen, State of New Jersey duly considered the establishment of a Cooperative Pricing System for the provision and performance of goods and services,

NOW, THEREFORE, BE IT RESOLVED as follows:

COOPERATIVE PRICING SYSTEM ESTABLISHED

The City of Englewood hereby authorizes the creation of a Cooperative Pricing System to be known as Northern New Jersey Community Purchasing Cooperative with the City of Englewood serving as the Lead Agency.

COOPERATIVE PRICING AGREEMENT

The City of Englewood is hereby authorized to enter into separate Cooperative Pricing Agreements with the participating contracting units and said Agreement shall be deemed a single Agreement.

COPY OF RESOLUTION TO DIVISION OF LOCAL GOVERNMENT SERVICES

A single certified copy of this resolution shall be forwarded to the Division of Local Government Services as part of the application for the registration of this Cooperative Pricing System.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			

<i>Cohen</i>					X
<i>Drakeford</i>		X			

RESOLUTION #110-04-24-12

**AUTHORIZING RELEASE OF PERFORMANCE BOND NO. 0402287
FOR THE PALISADES SOUTH REDEVELOPMENT PROJECT**

WHEREAS, Englewood Terrace, LLC (“Developer”) is the owner and developer of the mixed-use residential and commercial development (“Project”) located at 10-30 West Palisade Avenue, designated as Block 2401, Lot 1.01 in the City of Englewood, Bergen County, New Jersey; and

WHEREAS, by Ordinance No. 01-18, adopted on November 27, 2001, the City Council established a redevelopment plan for the Palisades South Redevelopment Area, and further designated the Project a “municipal project” in accordance with the provisions of Article 9 of the Municipal Land Ordinance of the City of Englewood; and

WHEREAS, by Resolution dated January 25, 2005, the City Council approved the Developer’s final site plans for construction of the Project; and

WHEREAS, on April 27, 2005, the Developer posted a performance bond, International Fidelity Bond No. 0402287 (“Bond”), in the amount of \$1,101,857.20, to secure the City’s interest in certain off-site improvements required as a condition of the Project’s site plan approval; and

WHEREAS, on October 15, 2008, the Developer posted a Bond Rider reducing the Bond amount to \$104,500.00 pursuant to the September 8, 2008 bond reduction estimate prepared by the City Engineer; and

WHEREAS, the Developer has substantially completed the Project, including the off-site improvements required as a condition of the Project’s site plan approval;

NOW, THEREFORE, in accordance with the provisions of the Municipal Land Use Law (*N.J.S.A. 40:55D-1 et seq.*), the Local Redevelopment and Housing Law (*N.J.S.A. 40A:12A-1 et seq.*) and the provisions of Article 9 of the Municipal Land Use Ordinance of the City of Englewood, the City Council hereby resolves as follows with respect to the Project:

1. The Developer has substantially completed the Project, including the off-site improvements required as a condition of the Project’s site plan approval.
2. The City Council hereby authorizes release of the remainder of the performance bond posted by the Developer (International Fidelity Bond No. 0402287) in the amount of \$104,500.00.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>					X
<i>Drakeford</i>		X			

Public Hearing on the 2012 Budget:

- Norman Gorlyn 150 Madison Avenue:
 - Asked what the current size of the Police Department is.
 - What is the cost for debt service for Lincoln and Liberty Schools? Are the Mayor and Council making any decisions regarding the sale of these properties?
 - Inquired as to the amount budgeted to supplement loses at the parking garage.
 - What is the subsidy for the pool?
- Charles Cobb 113 Marilyn Court:
 - What is the final subsidy for the Library?
 - Spoke about the Police Study and asked what good the assessment would do after since the Union Contracts have already been settled. A Study should be conducted six (6) months before the current contract expires.
- Elle Kelly 350 Shepard Avenue:
 - Asked what the earliest date is that the City Council can approve the School Budget.
- Travis Waller Palisade Avenue:
 - Asked about the Master Plan and the plans for Lincoln School.

- Ella Urdang 461 Tenafly Road:
 - Came to say thank you to the Mayor and Council from the Friends of the Library for hearing them and restoring funding to the Library.
- Carla Coleman 105 Slocum Avenue:
 - Spoke about the Cheerleading program and that they need \$10,000 for new uniforms.
- Lisa Levien 81 E. Hamilton Avenue:
 - Member of the Board of Health and asked about the \$14,000 cut in spending and why the computer/phone lines contract was rolled into the City's.

Motion was made by Councilman Forman to amend Resolution #111-04-24-12 to remove the \$95,000 for the Police Study and to place that money into surplus. The motion was seconded by Councilman Drakeford, and the amended Resolution was voted upon.

RESOLUTION #111-04-24-12

AMENDMENTS TO 2012 BUDGET

WHEREAS, the local municipal budget for the year 2012 was approved on the 6th day of March, 2012 and;

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, on March 21, 2011 the State of New Jersey enacted the Municipal Library Tax Levy Law, P.L. 2011, c 38 (s-2068), requiring municipalities that fund a free library to have a dedicated line item on the property tax bill equal to the minimum required funding by law and requiring a separate line item in the revenue section of the approved municipal budget;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Englewood, in the County of Bergen, State of New Jersey, that the following amendments to the approved budget of 2012 be made:

**CITY OF ENGLEWOOD
AMENDING RESOLUTION
2012 BUDGET**

	<u>FROM</u>	<u>TO</u>
General Revenues		
1 Surplus Anticipated	\$3,400,000.00	\$3,300,000.00
2 Surplus Anticipated with prior consent	\$0.00	\$0.00
Total Surplus Anticipated	\$3,400,000.00	\$3,300,000.00
3 Miscellaneous Revenues		
Sect A: Local Revenues	\$3,960,092.00	\$3,960,092.00
Sect B: State Aid w/o Offsetting Appropriations	\$2,763,296.00	\$2,763,296.00
Uniform Construction Code Fees	<u>\$600,000.00</u>	<u>\$645,000.00</u>
Sect C: Uniform Const Code	\$600,000.00	\$645,000.00
Sect D: Shared Service Agreements	\$0.00	\$0.00
Sect E: Special Items	\$0.00	\$0.00
Sect F: Special Items	\$122,615.12	\$122,615.12

Sect G: Special Items	\$154,076.40	\$154,076.40
-----------------------	--------------	--------------

Summary of Revenues

1	Surplus Anticipated	\$3,400,000.00	\$3,300,000.00
2	Surplus Anticipated with Prior Consent	\$0.00	\$0.00
3	Miscellaneous Revenue:		
	Total Section A: Local Revenues	\$3,960,092.00	\$3,960,092.00
	Total Section B: State Aid w/o offset		
	Appropriations	\$2,763,296.00	\$2,763,296.00
	Total Section C: Dedicated UCC Fees Offset by		
	Appropriations	\$600,000.00	\$645,000.00
	Total Section D: Special Items	\$0.00	\$0.00
	Total Section E: Special Items	\$0.00	\$0.00
	Total Section F: Special Items-Pub/Private Rev	\$122,615.12	\$122,615.12
	Total Section G: Special Items-Other	<u>\$154,076.40</u>	<u>\$154,076.40</u>
	Total Misc Revenues	\$7,600,079.52	\$7,645,079.52
4	Receipts from Delinquent Taxes	\$1,800,000.00	\$1,800,000.00
5	Subtotal General Revenues	\$12,800,079.52	\$12,745,079.52
6	Amt to be Raised by Taxes for Support of Municipal Budget:		
	(a) Local Tax for Municipal Budget Purposes including Reserve for Uncollected Taxes	\$45,461,743.60	\$45,371,743.60
	(b) Addition to Local District School Tax	\$0.00	\$0.00
	(c) Minimum Library Tax	\$1,683,373.00	\$1,683,373.00
	Total amount to be Raised for Support of Municipal Budget	\$47,145,116.60	\$47,055,116.60
7	Total General Revenues	\$59,945,196.12	\$59,800,196.12

**CITY OF ENGLEWOOD
AMENDING RESOLUTION
2012 BUDGET**

	<u>FROM</u>	<u>TO</u>
General Appropriations		
Public Safety		

	Fire Division:		
	Salaries & Wages	\$6,631,501.00	\$6,611,501.00
	Other Expenses	\$236,850.00	\$216,850.00
	Police Department		
	Salaries & Wages	\$12,009,876.00	\$11,989,876.00
	Other Expenses	\$629,550.00	\$609,550.00
	Police Study	\$0.00	\$0.00
	Total Operations including Contingent- within "CAPS"	\$40,003,728.68	\$39,923,728.68
	Detail:		
	Salaries & Wages	\$26,265,847.00	\$26,225,847.00
	Other Expenses	\$13,737,881.68	\$13,697,881.68
(E)	Deferred Charges & Statutory Expenses	\$6,408,113.00	\$6,408,113.00
(H-1)	Total General Appropriations within "CAPS"	\$46,411,841.68	\$46,331,841.68
	Bergen County Utility Authority Share of Costs(P.L. 1968c 404)	\$3,120,000.00	\$2,980,000.00
	Maintenance of Municipal Free Library	\$1,930,784.00	\$2,005,784.00
	Total Public Private Program Offset by Rev	\$126,555.00	\$126,555.00
	Total Operations Excluded from "CAPS"	\$5,994,061.44	\$5,929,061.44
	Detail: Salaries & Wages	\$285,800.00	\$285,800.00
	Other Expenses	\$5,708,261.44	\$5,643,261.44
(C)	Capital Improvement Fund	\$150,000.00	\$150,000.00
(D)	Municipal Debt Service-Excl from "CAPS"	\$3,964,293.00	\$3,964,293.00
	Deferred Charges-Excluded from "CAPS"	\$225,000.00	\$225,000.00
(H-2)	Total General Appropriations for Municipal; Purposes Excludes from "CAPS"	\$10,333,354.44	\$10,268,354.44

(O)	Total General Appropriations- Excludes from "CAPS"	\$10,333,354.44	\$10,268,354.44
(L)	Subtotal General Appropriations	\$56,745,196.12	\$56,600,196.12
(M)	Reserve for Uncollected Taxes	\$3,200,000.00	\$3,200,000.00
9	Total General Appropriations	\$59,945,196.12	\$59,800,196.12

Summary of Appropriations

(A)	Operations Within "CAPS" includes Contingent Statutory Expenditures	\$40,003,728.68 \$6,408,113.00	\$39,923,728.68 \$6,408,113.00
	(a) Operations-Excluded from "CAPS"		
	Other Operations	\$5,867,506.32	\$5,802,506.32
	Uniform Construction Code	\$0.00	\$0.00
	Shared Services Agreements	\$0.00	\$0.00
	Additional Appropriations	\$0.00	\$0.00
	Public & Private Programs offset by Revenue	<u>\$126,555.12</u>	<u>\$126,555.12</u>
	Total Operations-Excluded from "CAP"	\$5,994,061.44	\$5,929,061.44
(C)	Capital Improvement Fund	\$150,000.00	\$150,000.00
(D)	Municipal Debt Service	\$3,964,293.00	\$3,964,293.00
(E)	Total Deferred Charges	\$225,000.00	\$225,000.00
(F)	Judgments	\$0.00	\$0.00
(G)	Cash Deficit	\$0.00	\$0.00
(K)	Local District School Purposes	\$0.00	\$0.00
(N)	Transferred to Board of Education	\$0.00	\$0.00
(M)	Reserve for Uncollected Taxes	<u>\$3,200,000.00</u>	<u>\$3,200,000.00</u>
	Total General Appropriations	\$59,945,196.12	\$59,800,196.12

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for certification of the 2012 Local Municipal Budget so amended.

IT IS HEREBY CERTIFIED that the Amendment Budget hereto and hereby made a part hereof is a true copy of the Amended Budget approved by resolution of the Governing Body on the 24th day of April, 2012.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>			X		
<i>Forman</i>	X	X			
<i>Skurnick</i>			X		
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

AUTHORIZING THE ADOPTION OF THE 2012 BUDGET

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COUNTY OF BERGEN, that the 2012 Budget, as approved on March 6, 2012, is hereby adopted;

BE IT FURTHER RESOLVED that the sums contained in the Official Budget constitute the appropriations and tax levy for the year 2012; and

BE IT FURTHER RESOLVED that the Budget authorizes the following:

- \$45,371,743.60 in the Amount to be Raised Through Taxes for Municipal Purposes for 2012 (Including \$2,980,000 for the year 2012 BCUA Sewer Tax. Accordingly, \$42,391,743.60 is raised through taxes for City purposes)
- \$ 1,683,373.00 in Minimum Library Tax
- \$59,800,196.12 in Total Appropriations for 2012

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized to complete Sheet 41 and 42 of the Official Budget and is further authorized to make the necessary adjustments to the City of Englewood Annual Financial Statements including account cancellations and establishing accounts receivable.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>	X	X			
<i>Skurnick</i>			X		
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

Mayor and Council Comments:

- Councilman Skurnick will be voting “No” because the Budget fails to address the major expenditures and key tax drains as the Englewood Police and Fire Departments. Glad that money was restored to Recreation and the Library, but feels that the bloated Police and Fire Departments will remain as such and is disappointed that the money for the study was removed.
- Councilman Cohen asked for clarification of Pensions Holidays.
- Mayor Huttie spoke about the Pension system being underfunded by the State.
- Councilman Cohen spoke about the police study and why he thinks it was a good idea to remove it from this year’s Budget. No reason to have it conducted until it can actually impact a Budget.
- Councilwoman Algrant spoke about Englewood being one of the few communities with both a paid Police and Fire Department. She would like the money set aside for the Police Study and considers it a priority in order to set a long range plan for the department. Wants colleagues to join with her to do the heavy lifting to prepare for a Police Study before 2013.

Public Hearing on the Special Assessment:

- Bill Bailey, City Solicitor gave an overview of the process and the Special Improvement Board.
- Louis L. D’Arminio, Esq. spoke representing his client, ERA South and that their properties are not the only ones that should be assessed for the roadway. He would like the Council to vote against confirming the assessment recommendations of the Local Improvement Board.
- Ken Porro, Esq. represents Flat Rock 3 LLC, and stated that exhibit A tells the story and all the properties in the PUD zone should be assessed, not just the ones outlined in yellow who are going to bear the burden of 100% of the assessment. The formula utilized is flawed and litigation is possible.
- Bill Bailey reviewed the process for the City Council and explained that the City condemned three (3) properties on Route 4 not the whole area outlined in red on Exhibit A. The City spent \$7,155,000 million dollars to buy the properties and \$1.7 million dollars to build the roadway. The Local Improvement Board was appointed by the governing body to conduct Public Hearings and determine how to assess the Special assessment. The main item considered was whether a property received a special benefit because of the improvement and that the benefit was greater than the cost to be assessed.
- Mayor Huttie explained that the governing body duly appointed the Local Improvement Board, and they are the entity that made the recommendations and the Council has the final decision as to accept these recommendations or not.
- Elle Kelly 350 Shepard Avenue:
 - Spoke about the number of dwelling units and the proposed walkway over Route 4 that was never built.

CONFIRMING THE ASSESSMENT OF THE LOCAL IMPROVEMENT BOARD

WHEREAS, pursuant to prior Ordinances, the City of Englewood authorized certain local improvements within the City of Englewood and authorized a special assessment of the benefits derived there from upon the properties specially benefiting thereby; and

WHEREAS, the City of Englewood established a Local Improvement Board, (the "Board") to examine the work and real estate in the vicinity of the local improvements and schedule hearings to give all interested parties that may be affected by the improvement ample opportunity to be heard upon the subject of the Special Assessment; and

WHEREAS, the Board conducted several days of hearings which included testimony from multiple planners, engineers and real estate experts; and

WHEREAS, at the conclusion of said hearings, the Board made a just and equitable assessment of the benefits conferred upon certain parcels of real estate by reason of such local improvements and in that regard prepared a report to the City Council adopting the analysis by McNerney & Associates regarding the allocation of the assessment for the local improvement as well as the certified costs analysis performed by auditors Lerch Vinci & Higgins both of which are annexed hereto as Exhibit A; and

WHEREAS, the Governing Body of the City of Englewood after having considered this matter and the recommendations of the Board has determined to confirm the amount and allocation of the Special Assessment as set forth in the McNerney & Associates report which was adopted by the Board having determined that it is a just and equitable assessment of the costs of the local improvements and that the costs of said assessment for the properties affected therein does not exceed the benefit realized by these properties in terms of enhanced property value and other benefits including improved access from Route 4 to the affected properties as well as the acquisition of certain properties as set forth in Exhibit A;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Englewood, County of Bergen, State of New Jersey, that the report of the Local Board of Improvements adopting the allocation and amount to be assessed as set forth in Exhibit A is hereby confirmed; and

BE IT FURTHER RESOLVED that the Special Assessment in the amount of \$8,535,000.00 shall be paid over the next ten (10) years in equal quarterly installments in accordance with the values allocated to the specific properties set forth in the report of McNerney & Associates annexed hereto as Exhibit A; and

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>		X			
<i>Skurnick</i>	X	X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

AMEND RESOLUTION FOR THE AWARD OF PROFESSIONAL SERVICES CONTRACT TO T & M ASSOCIATES TO DEVELOP BID DOCUMENTS AND PROVIDE DESIGN SERVICES FOR THE JOHN T. WRIGHT ICE ARENA

WHEREAS, the City of Englewood previously awarded to T & M Associates by Resolution # 093-04-03-12 to develop bid documents and provide design services for the John T. Wright Ice Arena repairs; and

WHEREAS, the City desires to amend the Award of the Professional Services Contract to T & M Associates to modify the original plans for the existing boiler and heat exchange system; and

WHEREAS, the City Manager and the City Engineer recommend that the contract awarded to T & M Associates with offices located at 11 Tindall Road, Middletown, NJ 07748-2792 to develop bid documents and provide design services for the John T. Wright Ice Arena repairs; and

WHEREAS, the City Manager has determined the value of this contract for the scope of services as stated in the attached proposals is not to exceed a total of \$39,150; 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 the Award of the Professional Services Contract to develop bid documents and provide design services for the John T. Wright Ice Arena repairs which was previously awarded to T & M Associates per Resolution #093-04-03-12 be amended to include the modification to the existing boiler and heat exchange system, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and T & M Associates.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>		X			
<i>Skurnick</i>	X	X			
<i>Cohen</i>					X
<i>Drakeford</i>			X		

Public Session:

- Elle Kelly 350 Shepard Avenue:
 - Concerned about Ordinance #12-18 and the drinking that occurs on public property throughout the City.
 - Does not feel that the Englewood Police Department has the right to go onto private property and end up charging these kids so they will then have criminal records.
 - Wants the Mayor and Council to be more serious about this issue. Mr. Dacey explained the reasoning behind this ordinance and that it is not meant to be punitive but positive.
 - Does not want the Rockefeller law applied to the youth.
- Crystal Brown 328 Howell Road:
 - Stated that she is uncomfortable with ordinance #12-18 and inviting police onto private property is not really the right thing to do, and especially not the right thing for Englewood to do.
- Lucy Walker 316 Washington Place:
 - Feels that Ordinance #12-18 is almost impossible to enforce.
 - Spoke about missing bridge in the Fourth Ward at the park which is very dangerous.
 - Why are the entrances to Mackay Park being closed off in the Fourth Ward with padlocks and gates?
- Sheile Figaro Humphrey Street:
 - Spoke about Lincoln School and that God came to her and wants to have the school used as a prayer center.
- Norman Gorlyn 150 Madison Avenue:
 - Wants the City Manager to inform people about monthly financial losses at the parking garage.
 - Asked why the City did not know that the Fire department employee found guilty of theft was collecting unemployment.
 - Asked about the procedures when people commit a crime.
 - Why did the City place Emergency No Parking signs on Robin Road?
- Curtis Caviness 41 E. Forest Avenue:
 - Spoke about the recent School Board Election and the changes in the Polling Places.
 - The chatter on the City's Facebook page needs to be monitored.
- Lisa Levien 81 E. Hamilton Avenue:
 - Not comfortable with Ordinance #12-18, and it is unthinkable to give up any private property rights.

RESOLUTION #115-04-24-12

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:

Personnel, Litigation 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.

() 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>COUNCIL</i>	<i>MOTION</i>	<i>AYES</i>	<i>NAYS</i>	<i>ABSTAIN</i>	<i>ABSENT</i>
<i>Algrant</i>		X			
<i>Forman</i>		X			
<i>Skurnick</i>	X	X			
<i>Cohen</i>					X
<i>Drakeford</i>		X			

ADJOURN: 10:55PM

Motion: Forman

All in Favor

Lauren Vande Vaarst, RMC
City Clerk