



**WHEREAS**, the quotation submitted Oswald Enterprises, Inc., 161 East Road, PO Box 126, Belford, New Jersey 07718 for the sum of \$9,687 was determined to be the low quote 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 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 Oswald Enterprises, Inc., is hereby accepted; and

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to execute an agreement between the City of Englewood and Oswald Enterprises, Inc., for the 2012 Sanitary TV Inspection Project 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.

**BE IT FURTHER RESOLVED** that subject to the availability of funds therefore, the City Manager is authorized to approve change orders in a sum not to exceed 20% of the contract price.

Funding for this project is available from the following sources:

- Ordinance 11-10(d)

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

DISCUSSION ON RESOLUTION #118-05-08-12:

- Tim Dacey, City Manager reviewed.
- Councilman Skurnick asked what is usually done in regard to TV Inspection of Sanitary Sewer lines.
- Ken Albert, City Engineer explained that it is usually done throughout the City on an annual and sometimes biannual basis depending on upcoming road projects and problems noticed by DPW. In this case the work is being done because of road projects.
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RESOLUTION #118-05-08-12

**HONORING SHOPRITE ASSOCIATES IN THEIR FIGHT TO END HUNGER**

**WHEREAS**, as part of the ShopRite Partners in Caring Program, ShopRite stores throughout New Jersey are committed to fighting hunger and participated in a contest sponsored by ShopRite and General Mills during September 2011 in recognition of National Hunger Awareness Month.; and

**WHEREAS**, ShopRite of Englewood participated in the program and store associates raised money to fight hunger in our community. Money was raised through \$1 donation cards, store displays to raise awareness of the issue of hunger and special events, such as Hot Dog sales. All monies raised at ShopRite in Englewood were donated to the Center for Food Action; and

**WHEREAS**, in further recognition of ShopRite of Englewood's employees' dedication and hard work in fighting hunger, two store associates were chosen by their peers to represent their store as part of the eighty-six associates from ShopRite stores throughout New Jersey pictured on a special edition Cheerios box available exclusively at ShopRite stores in March. Englewood ShopRite Associates, Ed Horan, Store Manager and Dominick Claudio, Assistant Store Manager were the lucky associates chosen by their colleagues for this honor due to their commitment and hard work to insure the success of their stores' efforts in combating hunger.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council of the City of Englewood, County of Bergen, hereby honor Ed Horan and Dominick Claudio, for their commitment to aid in the fight against hunger in the community of Englewood.

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

## Resolutions for Discussion:

- Authorizing Award Of Contract For Elevator Sub-Code Inspections By An On-Site Agency:
  - Tim Dacey reviewed and explained that the Bids are being opened on May 17, 2012 and should be on the May 22<sup>nd</sup> Agenda for award.
- Authorizing Award Of Contract For Nordhoff Extension and Traffic Signal:
  - Tim Dacey reviewed and explained that the Bids are being opened on May 9, 2012 and should be on the May 22<sup>nd</sup> Agenda for award.
- Authorizing Award Of Contract For Pay by Phone for Parking Meters:
  - Tim Dacey explained that this new item will be on the May 22<sup>nd</sup> Agenda.
  - This is used as option to putting quarters in the meters. Parkers can place an App on their Smartphone and use it to call the number on the sticker located on the meter and put in the meter number and their license plate number. The vendor will place stickers on all the meters in the City, and no change in the parking meters other than the informational sticker is required.
  - This program will be at no cost to the City, and vendor will also provide handheld units for the PEOs and will include training as well.
  - There will be a \$0.35 convenience fee charged to all users per transaction and that is what the vendor will receive as payment. The City gets the actual parking meter fee.
  - This vendor's system is in use in Washington DC, Boston, Atlanta and other smaller cities. Englewood would be the first city in Bergen County to have it.
  - The City will have the system installed in two phases; the first is the downtown parking meters and the second is the parking garage (along with a pay station to accept coins).
  - Banks do not want to deal with processing the thousands of quarters that the City collects from the meters. This system would reduce the number of physical coins collected.
  - Mayor and Council Comments:
    - Councilwoman Algrant likes that people can choose between paying with quarters or their Smartphone. Also asked if the meter would revert back to zero with each user. Mr. Dacey explained that the red expired flag would stay on if someone uses a Smartphone to pay so it will revert to zero after every user.
    - Councilman Skurnick thinks that the Council needs more information on this program before voting to award a contract on May 22<sup>nd</sup>.
    - Would like the company to come in and do a presentation and does not want it placed on the May 22<sup>nd</sup> agenda for a vote.
    - Asked that an informative memo be provided, Mr. Dacey said that he would put on together.
- Resolution Opposing Senate Bills S-1451(Open Public Meetings Act) and S-1452(Open Public Records Act):
  - City Clerk gave an overview of the proposed law as compared to what currently exists.
  - Mayor and Council Comments:
    - Mayor Huttie pointed out the various items in the proposed law that he is concerned with:
      - Subcommittees to be considered a Public Body.
      - The expense of the technology needed to acquire text messages and cell phone records.
      - That the State Legislature has exempted themselves once again from OPRA.
    - Councilwoman Algrant asked what the intent is of the Legislature in changing the law.
    - Councilman Skurnick commented that he was surprised not to receive copies of the Bills in his packet.
      - He had a conversation with the sponsors of the Bills.
      - Believes that Minutes should be taken and maintained for all Subcommittee meetings, and thinks that Englewood's government is nontransparent.
      - Would like this Resolution removed from this agenda for discussion.
    - Mayor Huttie expressed that the whole purpose of a work session is to have discussions on different items and not to pull off items from the agenda that we do not like.
    - Councilman Cohen spoke about his experience working on transparency issues with the Legislature in New York.
      - In New York the Legislature did not exempt themselves from the transparency laws and instead chose to lead by example.
      - Feels that New Jersey has one of the most open governments that he has seen.
      - Explained to Councilman Skurnick that he could have gone to the State website and looked at the Bills online as he had done.
      - The City Clerk's office is short staffed and overburdened as it is and it is unfair for the State to put further a burden on it especially in the form of unfunded mandates.
      - Feels that we should not air our dirty laundry in public and oppose our own Legislative District.
    - Mayor Huttie said that maybe the 37<sup>th</sup> District members should have spoken to the Mayor and Council.
      - Mayor feels that any additional expenses in the form of unfunded mandates are a burden that the City cannot handle, and that subcommittees are advisory in nature only and that

the governing body is the only entity that can make decisions. Does not feel it is a good idea to tie the hands of the governing body.

- Councilman Skurnick wants the Mayor and Council to request that a representative of Senator Weinberg's office come to the next work session to discuss the legislation with the Council.
- Mayor Huttle will take it under advisement and is going to request documentation from Senator Weinberg's office.
- Councilman Skurnick asked Bill Bailey to clarify the legal role of the Council and if they can put items on an agenda.
- Bill Bailey explained that the City Charter stipulates that all items to be placed on an agenda must go through the Council President and if an item is to be placed on the agenda after it is set that must be by unanimous vote of the Council.

#### Ordinances for Discussion:

- Revise Tree Ordinance:
  - Ken Albert, City Engineer summarized the proposed changes to the Tree Ordinance.
    - Needs opinions of the Council in order to formalize the ordinance.
    - The key item to look is the change in the requirement for replacement trees.
  - Mayor and Council Comments:
    - Mayor Huttle explained that this ordinance will go to the Environmental Commission for their recommendations and then come back to the Council for formal action.
    - Due to a personal experience in his neighborhood, the Mayor first brought the need for revision to the then Mayor and Council 5 years ago. Feels it is a problem that the current ordinance allows for clear cutting of trees and also does not take changes in topography into account.
    - Councilman Skurnick said that the Mayor is bringing up a valid point in regard to trees. Mr. Skurnick has experienced large tractor trailers taking down utility lines as they drive through town and residents running car sales on their property. The City has a problem with monitoring activities in town. Did his own survey of Landscapers in town and none of them even knew that we required them to obtain a permit to work in the City.
    - Mr. Albert explained:
      - No trees in the buffer zone can be removed.
      - Every tree outside of the buffer zone can be removed but replacement is based upon a ratio.
      - A property owner can take down 3 trees but as soon as the 4<sup>th</sup> tree is taken down that requires a permit.
      - Also mentioned that tree removal companies are our allies in this and want to work with the City.
      - When summonses are issued they go to the property owner but in some cases they have also been issued to the tree removal company.
    - Councilman Forman asked if a Tree Removal Permit has to be displayed on the home as a Construction Permit does. Yes, it does.

#### Public Session:

- Charles Cobb 113 Marilyn Court:
  - Would like the Bills and Claims List to be sorted by vendor.
  - The Tree ordinance was changed a few years ago regarding where City trees are located (used to be 6ft from the curb line and now it is 4ft) and the ownership in some cases fell on the homeowner who is now responsible for the tree(s).
- Shirley Smith 374 W. Palisade Avenue:
  - Explained that there are no speed limit signs on West Palisade Avenue and drivers speed all the time.
  - Englewood Police do not patrol the area looking for speeders but Teaneck is always pulling people over in front of her home. EPD could bring in a lot of money issuing tickets on W. Palisade Avenue.
  - There is only one crossing guard on Tenafly Road on the corner by Grieco School and this is a very dangerous situation. Mayor Huttle would like these issues to come back before the Council so they can be discussed with the Police Chief.

RESOLUTION #119-05-08-12

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:

Litigation

Which subject matter is permitted to be discussed in closed session pursuant to the following designated sub-section(s) of Section 7 of the Open Public Meetings Act:

- ( ) Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law.
- ( ) Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds.
- ( ) Sub-section 3 involving disclosure of material which would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved.
- ( ) 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.
- ( ) Sub-section 8 dealing concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof.
- ( ) Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license.

**AND BE IT FURTHER RESOLVED** that, as precisely as can be determined at this time, the discussion conducted in the said closed session can be disclosed to the public upon taking final action thereon, provided disclosure shall not violate the attorney-client privilege or constitute an undue invasion of privacy; and

**BE IT FURTHER RESOLVED** that, although it is not envisioned that the Council will return to open session after this meeting, the Council reserves the right to do so upon conclusion of the closed session.

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

**ADJOURN: 9:40PM**  
 Motion: Huttle  
 All in Favor

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Lauren Vande Vaarst, RMC  
 City Clerk