

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

**August 2, 2012 at 7:30pm**

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A Workshop 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: Mayor/Council President Frank Huttle III  
Council member Marc Forman  
Council member Michael Cohen  
Council member Eugene Skurnick  
Council member Lynne Algrant  
City Manager Timothy Dacey  
City Attorney William Bailey  
City Clerk Lauren Vande Vaarst

Absent: Council member Jack Drakeford

Council President Huttle called the meeting to order.

The City Clerk stated that adequate notice of this meeting was given by the posting, filing and distribution of the notice as required by the Open Public Meetings Act.

Moment of Silence:

There was a Moment of Silence in remembrance of Councilman Jack Drakeford who passed away today, August 2, 2012.

RESOLUTION #151-08-02-12

**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:

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.
- 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.

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

RESOLUTION #145-08-02-12

**AWARD OF LEASE FOR JOHN T. WRIGHT ARENA**

**WHEREAS**, the City of Englewood owns the John T. Wright Ice Arena located in Mackay Park in Englewood; and

**WHEREAS**, the intention of the City is to have a third party not-for-profit entity operate this facility; and

**WHEREAS**, the City issued a Request For Proposal to solicit Proposals from Respondents from not-for-profit agencies to partner with the City to provide year-round recreational operation of the John T. Wright Arena, and based on professional experience, expertise and reputation, the City Council of the City of Englewood awards a contract for such services to the Boys & Girls Club of Garfield with offices located at 490 Midland Avenue, Garfield, New Jersey 07026 pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

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

**WHEREAS**, the firm has completed and submitted 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**, it has been determined that the contract to operate the John T. Wright Arena will be awarded to Boys & Girls Club of Garfield for an annual rent of \$25,000 for a period of ten (10) years beginning September 1, 2012 and ending August 31, 2022; the annual rent will be paid on a quarterly basis and will be adjusted each September 1<sup>st</sup> by the percentage increase, if any, in the Consumer Price index as stipulated in the specifications of the Request For Proposal; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to Boys & Girls Club of Garfield to operate the John T. Wright Arena for a period of ten (10) years beginning September 1, 2012 and ending August 31, 2022 as per the specifications of the Request For Proposal and subject to the Boys & Girls Club of Garfield entering into a lease that is consistent with the terms of the Request For Proposal as prepared by the City of Englewood. The City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and Boys & Girls Club of Garfield.

**BE IT FURTHER RESOLVED**, that a copy of the within resolution, together with a copy of the Agreement and that the Business Entity Disclosure 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.

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

**RESOLUTION #149-08-02-12**

**AUTHORIZING AWARD OF CONTRACT FOR  
THE WRIGHT ARENA EQUIPMENT REPLACEMENT, PROJECT 111202**

**WHEREAS**, sealed bids were received on July 26, 2012 for the Wright Arena Equipment Replacement, Project #111202 in accordance with specifications therefore and following public advertisement; and

**WHEREAS**, specifications were sent and responsible bids were received from three (3) bidders listed on the attached Bid Summary Sheet; and

**WHEREAS**, the bid submitted by Pennetta Industrial Automation, 428 Hoboken Avenue, Jersey City, New Jersey 07306 for the sum of \$282,400.00 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**, the Chief Financial Officer has certified that sufficient funds are available to award this contract;

**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 Pennetta Industrial Automation 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 Pennetta Industrial Automation for the Wright Arena Equipment Replacement, Project #111202 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.

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

**RESOLUTION #150-08-02-12**

**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 \$205,350.21.

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

Public Session:

- Phil Vogel 318 Marlboro Road:
  - Once again Marlboro Road was cleaned with cars parked on the street.
  - Speechless regarding the award of the lease for the John T. Wright Arena.
- Charles Cobb 113 Marilyn Court:
  - Problem with parking on Marilyn Court, in violation of the 48 hour rule and the Police are nonresponsive.
  - Thanked City for getting the new bench at the bus stop on Tenafly Road by John Street.

**ADJOURN: 8: 25 PM**

Motion: Algrant  
All in Favor

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Lauren Vande Vaarst, RMC  
City Clerk