

City of Englewood
City Council Work Shop
Meeting Minutes

September 4, 2012 at 7:30pm

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

The 4th Ward Council seat is currently vacant

President Huttie 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.

RESOLUTION #164-09-04-12

APPOINTMENT OF 4th WARD COUNCIL MEMBER

WHEREAS, there is a vacancy in the position of 4th Ward Council Member due to the passing of Councilman Jack Drakeford on August 2, 2012; and

WHEREAS, the Municipal Vacancy Law (N.J.S.A. 40A:16-11) provides for the filling of the vacancy by appointment in a prescribed manner; and

WHEREAS, the Englewood Democratic Municipal Committee presented three (3) nominees to the Mayor and City Council within the fifteen (15) day deadline as required by the Municipal Vacancy Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood, Bergen County, State of New Jersey hereby appoint Wayne Hamer to fulfill the 4th Ward Council Member vacancy effective September 4, 2012 and expiring on or after November 6, 2012 when the results of the General Election have been certified by the Bergen County Clerk.

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

Mayor and Council Comments on Resolution #164:

- Councilwoman Algrant thanked everyone who called and emailed over the last few days in support of their choices and thanked the nominees for their willingness to volunteer.
- Councilman Cohen explained that he was uncomfortable with the governing body which does not represent the 4th Ward, making the decision for the 4th Ward. The decision belongs to the 4th Ward.

Wayne Hamer was sworn in as the 4th Ward Councilman by Mayor Frank Huttie.

Items for Discussion:

- Presentation of Community Collaborative:
 - Presented by Councilwoman Algrant and Linda Murphy.
 - Will not cost the City anything, nor will it put a burden on City personnel.
 - There will be some grant money available as early as October.
 - The funding will be distributed on a per capita basis and this basis is also used to determine a municipality's efficiency of service (in regard to the municipal services it provides such as the Library, garbage collection, etc.).

- Mayor and Council Comments:
 - Councilman Skurnick stated that the Government Service Index is a complex formula which takes numerous factors into consideration. Asked who would be inputting the data for Englewood into the Index. It was explained that the 2012 Budget and 2010 Census Data will be used and will be compared for all six (6) towns. Asked why the Council has to pass a Resolution on this (the County of Bergen requires it).
 - Councilman Hamer asked if the study will compare apples to apples (example: Teaneck garbage collection is privatized and Englewood provides garbage collection services).
 - Mayor Huttle asked if the Resolutions are time sensitive, and could they be brought up at a future meeting. Who are the professionals that will be involved?
 - Councilman Skurnick would like copies of the book, "Shared Services and Community Outreach" purchased for the Mayor and Council.
 - Mayor Huttle feels that this is a positive step toward shared services and would like the Resolutions placed on the September 11, 2012 agenda.

- Budget Process Presentation:
 - Presented by Mayor Huttle.
 - The Mayor announced that the Mayor's Finance and Budget Committee will be operating once again. He then presented the City Clerk with a letter to be put on the record appointing the initial members to the Mayor's Finance and Budget Committee. Additional members will be added at an upcoming meeting.
 - By November 1st the City Manager will have met with all Department Heads regarding the 2013 Budget.
 - Additional Budget meetings will be held in October, November and December for the City Manager to update the Council on the Budget.
 - The Mayor would like the City Clerk to provide Minutes of the Budget meetings for the Council's reference.
 - Mayor and Council Comments:
 - Councilman Skurnick was upset that there was no information handed out by Departments for their Budget meetings, and the Council had nothing to refer to. Thought the Mayor's Finance and Budget Committee had done a very good job. Is glad that the Budget process will begin soon and not in February.
 - Councilwoman Algrant hears what Councilman Skurnick is asking for and it is exactly what the Mayor has outlined.
 - Councilman Cohen stated that the Mayor's Finance and Budget Committee is a valuable resource and once again he wants a Budget that does not raise taxes and has a zero increase in spending.
 - Councilman Skurnick would like some of the additional members on the Mayor's Finance and Budget Committee to be from the 3rd and 4th Wards.

Resolution for Vote:

RESOLUTION #165-09-04-12

AWARD PROFESSIONAL SERVICES CONTRACT TO T&M ASSOCIATES TO SERVE AS A LICENSED SITE REMEDIATION PROFESSIONAL

WHEREAS, the City of Englewood requires a Licensed Site Remediation Professional (LSRP) to provide professional services for the environmental site remediation at the Public Safety Complex- Underground Storage Tank.

The scope of work will include:

- Prepare and Submit NJDEP required forms:
 - LSRP Notice of Retention
 - Initial Receptor Evaluation Form
- File Review

WHEREAS, on the recommendation of the City Engineer, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792 pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

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

WHEREAS, the City Manager has determined the value of this contract for the scope of services as stated above and in the attached proposal, is not to exceed \$2,350;

WHEREAS, T & M Associates will complete and submit a Business Entity Disclosure Certification and a Political Contribution Disclosure Form certifying that the firm has not made or will make any reportable contributions that would bar the award of this contract under the provisions of N.J.S.A. 19:44A-1 et seq. and City of Englewood Ordinance No. 07-31; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to T & M Associates to provide professional services for the environmental site remediation at the Public Safety Complex- Underground Storage Tank;

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>Hamer</i>		X			

Mayor and Council Comments on Resolution #165:

- Ken Albert, City Engineer reviewed the project and explained that the NJDEP has changed their procedures and that this Resolution is to hire a LSRP to finalize the filing of the reports and permits for the environmental site remediation at the Public Safety Complex.
- Councilman Hamer asked what the different phases of remediation are.
- Mr. Albert explained that the three (3) stages are:
 - Records Search
 - Testing the Soil to see the extent of the contamination.
 - Develop a plan for removal of the contamination.
- Councilman Hamer asked if the water table at the Public Safety Complex is high or low. Mr. Albert confirmed that it is high.
- Councilman Forman asked what year was the 5,000 gallon tank removed. Mr. Albert confirmed that it was removed in 2005.

Resolutions for Discussion:

- Appoint Municipal Representative for Bergen County Open Space Committee
 - o In the past the City's representative has been Merle Simons, Recreation Director. Mayor and Council asked that the City Clerk contact Bergen County to see if the appointee has to be a City employee or a Council Member).
 - o Councilman Cohen asked if it could be someone from Flat Rock Brook or the Recreation Advisory Committee could be appointed.
 - o Councilman Hamer recommends leaving Merle Simons on the committee because she has the experience.
- Appointment of Class III Member To Unexpired Term– Planning Board
 - o Councilman Forman is interested in filling this unexpired term and Councilman Cohen said that he would support that.
 - o Councilman Skurnick said that he would also support Councilman Forman's appointment. Mr. Skurnick would like to be appointed to the Englewood Housing Authority.
- Authorize State Contract Purchase - Mackay Park Playground Equipment
 - o Ken Albert, City Engineer reviewed and explained that there will be two (2) play grounds installed; one for children aged 5– 12 years old located by the Mackay Pool and the other will be for children aged 2-5 years old and this will be located at William and Linden streets by the Vincente K. Tibbs Center.
 - o Mr. Albert also remarked that a rubberized ground surface will be used.
 - o Councilman Forman asked if the chain link fencing around the playgrounds will remain (yes it will).
- Award of Contract to Connolly & Hickey, Historical Architects for Mackay Park Gatehouse Historical Study
- Authorize St. Paul's Episcopal Church Application for a Bergen County Bergen County Historic Preservation Trust Fund Grant
- Authorizations to Apply for Bergen County Community Development Block Grant (CDBG):
 - City of Englewood
 - Mr. Albert explained that the City is applying for two (2) CDBG grants for Overpeck Creek; one for residual 2011 funds and the other for current funding.
 - Councilman Hamer asked what section of the Overpeck Creek will be worked on and what other towns feed into the creek. Mr. Albert replied that the section from Englewood Avenue to Forest Avenue will be where the work takes place, and Teaneck, Tenafly, Englewood Cliffs, Bergenfield, Ft. Lee and Leonia all feed into the Overpeck Creek.
 - Councilman Skurnick asked a general question about CDBG grants, who is competing for the money?
 - City of Englewood Parks and Recreation Department
 - Bergen Family Center
 - Flat Rock Brook Nature Association

- Women's Rights Information Center
- Calvary Cares Community Development Corporation, Inc.
- Center for Food Action
- Community Housing in Partnership, Inc.
- Infant-Senior Sharing Project, Inc.
- Vincente K. Tibbs Child Development Center

Ordinances for Discussion:

- Post Retirement Health Benefits:
 - Mayor Huttle explained that this proposed amended ordinance is not for lifetime medical benefits.
 - Amends current ordinance to read "eligible spouse" instead of "eligible dependents", a one-word change.
 - Timeline of Post Retirement Health Benefits:
 - Ordinance #04-13 providing lifetime medical benefits was adopted on June 29, 2004.
 - Amended by Ordinance #06-02 adopted on February 21, 2006 removed lifetime benefits for future City Managers and Unclassified employees. Coverage would be provided for eligible retirees and spouses up to age 65 years old or death of retiree, whichever occurs first.
 - Amended by Ordinance #06-09 adopted July 11, 2006 which provided for eligible retirees and dependents up to age 65 years old or death of retiree, whichever occurs first.
 - Tim Dacey, City Manager feels that the union and non-union employees should be treated the same not differently, so it should be just "spouses" for the non-union employees as it is for the union employees. Will only affect employees going forward not past ones.
 - Mayor Huttle explained that since 2004 there has been a small group of employees that the City is paying lifetime benefits for, and the City cannot rescind this benefit.
 - Councilman Skurnick appreciates the detailed information provided by the City Manager and the Mayor. An explanation of the proposed amendment to the ordinance should have been included in the packet. There are eleven (11) employees receiving lifetime medical benefits only for the Employee and Spouse. The lifetime medical benefits ordinance in 2004 was crafted by the former City Manager, Robert Benecke.
 - Mayor Huttle directed the City Clerk to place the ordinance on the September 11, 2012 agenda for First Reading / Introduction.
- Sale of Land – 104 Grand Avenue:
 - Bill Bailey explained that there is a pending lawsuit regarding 102 Grand Avenue and the 4ft wide by 100 ft long City owned lot. Improvements were done on the property by an adjoining property owner. Sale of property without public auction has to be done by ordinance, only adjoining property owners can bid and the minimum bid is \$38,000, and the highest bidder wins. The Court case began in July 2011 and has been discussed previously in closed session.
- Bond for Tax Appeals:
 - Bill Bailey explained that discussion on bonding for tax appeals.
 - In 2007 and 2008 large reserves left for tax appeals.
 - Beginning in 2009 things changed and more tax appeals were filed because of the depressed real estate market. City would have difficulty financing the larger number of tax appeals and would need an extremely large reserve. Because of this the State is working with the municipalities to provide financing at a very low interest rate of 1% on a 3-5 year basis.
 - The City is looking to bond for \$3.5 million dollars for the tax appeals, of which \$2 million dollars is for only 5-6 properties that have large appeals.
 - Bonding for Tax Appeals requires an Ordinance to be adopted, a Public Hearing to be held, and the City must meet with the Local Finance Board in Trenton.
 - Mr. Bailey also explained that the City is responsible to pay for 100% of the refund even though 60-70% of it went to the local School District and the County.
 - Councilman Cohen asked if money could be raised from cutting current spending without expending surplus.
 - Councilman Hamer asked what agency does the funding come from. It comes from the Local Finance Board of the Department of Community Affairs. What are the amounts of the repayments? Mr. Bailey said that this has to be discussed in Closed Session.
 - Councilwoman Algrant asked the number of old appeals and how did we arrive at the \$3.5 million dollar figure. Would like to see information on how repayments will look.
 - Councilman Skurnick stated that there is too little money set aside in the Reserve for Tax Appeals in the 2012 Budget (\$200,000).

Public Session:

- Sandy Greenberg 449 Liberty Road:
 - Spoke about the reevaluation and reassessments of properties in the City and the timing of them.
 - Has no objection to any of the CDBG grants.
- Gabriel Bousbib 296 Thornton Road:
 - Spoke about the bonding for tax appeals, and that you do not borrow money for current expenses. This is a simple financial rule.
- William Satterfield:

- o Spoke about the Overpeck Creek Channel which has a concrete bottom. City used to have a bulldozer with a bucket with perforations in it to clean the creek.

RESOLUTION #166-09-04-12

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>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>Hamer</i>		X			

ADJOURN: 11: 20 PM

Motion: Cohen
All in Favor

Lauren Vande Vaarst, RMC
City Clerk