

City of Englewood
City Council Work Shop
Meeting Minutes

November 20, 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 (8:15PM)
Council member Eugene Skurnick
Council member Wayne Hamer
Council member Lynne Algrant
Mayor/Council President Frank Huttle III
City Manager Timothy Dacey
City Attorney William Bailey
City Clerk Lauren Vande Vaarst

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.

Ordinances:

- o AN ORDINANCE AUTHORIZING A LEASE WITH THE ENGLEWOOD ECONOMIC DEVELOPMENT CORPORATION COVERING PREMISES FORMERLY USED AS A BENNETT STUDIOS ON NORTH VAN BRUNT STREET IN THE CITY OF ENGLEWOOD
 - Adam Brown, Chair of the Englewood Economic Development Committee (EEDC) explained that the EEDC is an independent, nonprofit group whose mission is to promote economic development in the City of Englewood, manage the trolley system and the Depot Square property.
 - Depot Square became vacant in 2011 after Bennett Studios closed.
 - The goal is to utilize the Depot Square property in such a way so as to bring families into the Downtown area:
 - Augment the Downtown Area.
 - Bolster entertainment venues in the area.
 - It is important to the EEDC to keep the integrity of the structure intact and provide for flexibility of use in case Light Rail comes to Englewood.
 - EEDC would like to eliminate the cost of maintaining the building so that it is not a burden to the City and the taxpayers.
 - Depot Square was not conducive for use as a site of commerce because it is too far removed from Palisade Avenue and would take the focus off of the Downtown.
 - Used Flat Rock Brook Nature Center as a model of public land and nonprofit use.
 - The EEDC was approached by the BergenPAC to use Depot Square as a performing arts school.
 - BergenPAC will pay all utilities and insurance and be required to spend \$150,000 over 10 years in maintenance on the building.
 - Depot Square will return to the City when the BergenPAC no longer needs it.
 - Dominic Roncace, CEO of BergenPAC presented a power point presentation regarding the proposed performing arts school. He introduced BergenPAC trustees and staff that were present.
 - The proximity of the Depot Square building to the theatre and the surrounding restaurants creates an "Avenue of the Arts" within Englewood.
 - Mayor and Council comments:
 - Councilman Forman asked what classes would be offered in and for what age groups (*music, theater, dance and early childhood development for 2 month olds to adults, no older than 24 years old*).
 - Councilman Hamer asked for the number of students served annually (*30,000 students per year with 476 in the Performing Arts school and the remainder in the Beyond BergenPAC programs*).
 - Councilman Skurnick asked how many of the current students are from Englewood (*20-25%*), is there tuition (*yes, and they offer \$50,000 in scholarships*), who is the liaison with the Englewood Public School District (*Alex Diaz, Director of Education- BergenPAC*), how will the performing Arts School distinguish itself from other programs in the area (*by offering programs taught by NYC professionals not by amateurs*)? Mr. Skurnick read the lease agreement and found it to be very detailed, but assumes that City will be doing snow removal and that needs to be corrected in the agreement.
 - Mayor Huttle then gave a historical overview of the BergenPAC and the Performing Arts School.

- Public comments:
 - Elle Kelly 350 Shepard Avenue:
 - Spoke about his 13 year old son who is an Englewood Middle School student who is interested in visual and performing arts.
 - Asked if the BergenPAC can offer these programs in the EPSD, so children do not have to be bused to programs out of town (*Mr. Diaz spoke about a previous pilot program that they did with the EPSD which was very successful and they would like to offer it in the future*).
 - Sue Gamrin Murray Avenue:
 - Asked if BergenPAC is planning on offering any programs for kids that are not artistically talented but would like to work backstage (*BergenPAC does offer a Technical Shadowing Program*).
- AN ORDINANCE AMENDING ORDINANCES NO. 88-7 AND 89-11, AS CODIFIED INTO THE CODE OF THE CITY OF ENGLEWOOD, CHAPTER 14, ENTITLED "MUNICIPAL LAND USE ORDINANCE", SECTION 4- 6, ENTITLED "CENTRAL BUSINESS (CBD-3) DISTRICT; TO WIDEN THE CBD-3 DISTRICT BOUNDARY IN A WESTERLY DIRECTION AS IT ABUTS THE PALISADES COURT SHOP-RITE SUPERMARKET A DISTANCE OF 50± FEET; TO CREATE A NEW ONE-FAMILY RESIDENCE DISTRICT, "R-F ZONE" IN SECTION 4-1, COMPRISED OF LOTS WITH MINIMUM AREAS OF 6,500 SQUARE FEET, LOCATED BETWEEN THE WIDENED CBD-3 ZONE DISTRICT BOUNDARY AND THE WESTERLY LINE OF JAMES STREET TO ITS NORTHERLY TERMINUS AT TALLMAN PLACE; AND TO AMEND THE ZONING MAP AS REFERENCED IN CODE SECTION 2-2 TO REFLECT THESE CHANGES
 - Mayor Huttle explained that this Ordinance is only being provided as an update and no action will be taken tonight. Shop Rite has presented once to the Planning Board in October, but things have been delayed due to Hurricane Sandy.
 - Councilman Skurnick was confused by the two (2) documents that he received.
 - Bill Bailey explained that the ordinance should go behind the "Draft" Redevelopment Agreement, which is confidential and deliberative material. The goal is to have the Redevelopment Agreement in place first before the ordinance is introduced in order to lock everything into place. He defined a Redeveloper's Agreement versus a Developer's Agreement.
 - Councilman Skurnick asked if the Redevelopment Agreement is amending the WESTRA agreements.
 - Mr. Bailey explained that this will be an addendum and does not supersede the WESTRA Agreement or invalidate it.
 - Councilman Skurnick would like confidential items marked as such and placed in a separate envelope.
 - Mayor Huttle explained that the project is in front of the Planning Board and ordinances can be discussed in public but he said that he wanted the draft agreement to get into the hands of the Council and that it can only be discussed in Closed Session.
 - Councilman Skurnick thought that the Redevelopment Agreement was to be signed before the Zoning ordinance was to be considered.
 - Mayor Huttle said that the Redevelopment Agreement must be agreed upon, signed and approved by the Council before the ordinance can be adopted.
 - Councilman Hamer asked if the draft ordinance is just an amendment to the WESTRA and ASTRA ordinances and if it addresses both residential and commercial properties (*Yes, it does amend the previous ordinances and does address both types of property*).
 - Councilman Skurnick asked why exhibit E-3 was in there (*it was explained that all of the exhibits are for the Redevelopment Agreement*).

Resolutions:

- Authorize Insertion of an Item of Revenue and an Offsetting Item of Appropriation in the 2012 Budget – 1st Quarter 2012 Reach & Teach Grant
- Authorize Insertion of an Item of Revenue and an Offsetting Item of Appropriation in the 2012 Budget – 2nd Quarter 2012 Reach & Teach Grant
- Authorize Insertion of an Item of Revenue and an Offsetting Item of Appropriation in the 2012 Budget – 3rd Quarter 2012 Reach & Teach Grant
- Authorize Insertion of an Item of Revenue and an Offsetting Item of Appropriation in the 2012 Budget – 2010 Recycling Tonnage Grant
 - Tim Dacey reviewed these resolutions, and explained that the Reach and Teach Grants are for the Health Department and the money from the Tonnage Grant goes to the EEDC for the Clean Streets Program.
- Authorize Budget Transfers for Budget Year 2012
 - Councilman Skurnick asked specific questions about the transfers regarding Police overtime, DPW Overtime, Buildings and Grounds Special Projects (*Liberty School, Pipe breaks in Police Department and City Hall*), Recreation S&W, Terminal Leave and Medical Insurance.
 - Councilwoman Algrant asked if the City is tracking Hurricane Sandy costs and would like the information for the Budget process.
 - Ron Amorino, CFO expects to have storm related costs for the December 4th meeting for the Special Emergency Appropriation resolution.
 - Tim Dacey explained that the FEMA inspection was last week and the process has started.

- Councilman Hamer asked about the FEMA deadlines.
- Resolution Authorizing Waiver of Downtown Parking Meter Fees during the Holiday Season
 - Councilwoman Algrant asked if we could extend this through December 28th for After Christmas Sales.
 - Councilman Hamer is concerned that employees and merchants will use the free parking and shoppers will not be able to.
 - Mayor Huttle would like the City to communicate with the merchants to have them encourage their employees to shop in the Parking Garage. Would like a Chamber meeting before Dec. 7th to discuss this with them.
 - Councilman Forman would like the Parking Garage to be free as well.
- Councilman Skurnick asked when the Tax Appeals have to be paid (60 days). Mr. Dacey explained that the Refunding Bond Ordinance for the Tax Appeals was approved by the Local Finance Board on November 7, 2012 and will go out for Note Sale in early December.

Items for Discussion:

- 2013 Meeting Calendar:
 - Lauren Vande Vaarst, City Clerk reviewed.
 - Councilman Skurnick would like less meetings in the summer so people can schedule vacations, prefers one (1) meeting per month for July and August.
- Overview of Budget Process:
 - Mayor Huttle explained that the Council will be receiving a Budget Book with a revised format that will be easier to work with and provide more information.
- Vince Lombardi Way:
 - Tim Dacey, City Manager reviewed.
 - Councilman Skurnick asked if this is just ceremonial (*yes it is*).
 - Mayor Huttle said to put the Resolution on the agenda for November 27, 2012.

Public Session:

- Elle Kelly 350 Shepard Avenue:
 - Said that the Mayor and Council were violating the Open Air Act and Eminent Domain.
 - Shop Rite should be extended to Demarest Avenue.
 - The trees on James Street are an eyesore.
 - Feels that the Council is still doing what the Developer wants on James Street.
 - Would like all gas stations to be required to have emergency generators.
 - Wants the City to use FEMA funds for emergency preparation, such as boats and a flat bed substation.
 - Credit should be given to the DPW for the great work they have done since the Hurricane.
 - City should get a contractor with a chipper to work with DPW.
 - Children need to be protected from bullying in the schools.
- Anne Dermansky 300 Katherine Street:
 - Pointed out that in Exhibit D of the James Street ordinance that basements were not mentioned and the neighbors do not want the new houses to have basements.
- Sue Gamrin Murray Avenue:
 - Spoke about Exhibit D of the James Street ordinance.
- James Erwin:
 - Reported that a resident who lives at 267 W. Forest Avenue has storm debris that has not yet been picked up. Asked if the material will still be picked up.
 - Commented that DPW has been doing a great job.
- Sam Bruno Ivy Lane, Tenafly:
 - Thanked the Mayor and Council for placing the Vince Lombardi Way Resolution on the November 27, 2012 agenda for a vote.

RESOLUTION #224-11-20-12

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 & Personnel

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

- () Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law.
- () Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds.
- () Sub-section 3 involving disclosure of material which would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved.
- () Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions, and negotiations thereof.
- () Sub-section 5 dealing with the acquisition of real property, the settling of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest.
- () Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law.
- (X) Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege.
- (X) Sub-section 8 dealing concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof.
- () Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license.

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

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

| <i>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 | | | |
| <i>Cohen</i> | | X | | | |
| <i>Hamer</i> | X | X | | | |

ADJOURN: 10:15 PM

Motion: Huttie

All in Favor

Lauren Vande Vaarst, RMC
City Clerk