

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

**December 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 Michael Cohen  
Council member Eugene Skurnick  
Council member Wayne Hamer  
Council member Lynne Algrant (8:20PM)  
Mayor/Council President Frank Huttie III  
City Manager Timothy Dacey  
City Attorney William Bailey  
City Clerk Lauren Vande Vaarst

Absent: Council member Marc Forman

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 #235-12-04-12

**Cooperative Purchase- DPW Wheel Loader**

**WHEREAS**, the City of Englewood is a participant in the National Joint Purchasing Alliance (NJPA) under its Cooperative Purchasing Program and the City has the requirement for one (1) 2012 Caterpillar 930K Wheel Loader to replace a 1994 Kumatsu WA250-1 Wheel Loader; and

**WHEREAS**, the City of Englewood will be purchasing the vehicle from Foley Caterpillar located at 855 Centennial Avenue, Piscataway, NJ 08854 for the purchase price of \$207,621; and Foley Caterpillar will issue the City a refund check for \$8,500 upon acceptance of the trade-in of the 1994 Kumatsu WA250-1 Wheel Loader; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available from Capital Bond Ordinance #12-20(b) to award this contract.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, New Jersey, that the City Manager is authorized to enter into a contract for the purchase of one (1) 2012 Caterpillar 930K Wheel Loader from Foley Caterpillar located at 855 Centennial Avenue, Piscataway, NJ 08854 for the purchase price of \$207,621.

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

Mayor and Council comments on #235-12-04-12:

- Councilman Skurnick asked how much, what does the equipment do and who is the manufacturer.

Resolutions:

- Authorize Emergency Appropriation from Hurricane Sandy
- Authorize Emergency Appropriation for Flooding in City Hall
  - Tim Dacey explained that the numbers are still in flux and will be over the next two weeks until we know what we will recoup from Insurance and the percentage of FEMA reimbursement (75% to 90%) will be.
  - FEMA will not cover debris put out after this Friday, December 7, 2012.
  - Mayor and Council comments:
    - Councilman Skurnick asked what will be the impact of these emergency appropriations on the Budget. Ron Amorino, CFO explained that you spend the money in 2012 and have to make it up in the 2013 Budget. Mr. Amorino stated further that these are the worst case scenarios and he prefers to ask for less. Money has already been spent and we need to see what percentage FEMA will reimburse us for and what Insurance will give us.



- Councilman Skurnick asked if the west side is part of the redevelopment.
- Ken Albert stated that the Zoning Map revision is necessitated by the Rezoning ordinance.
- Councilman Skurnick has noticed that detailed plans and drawings on the proposed development are missing and should be shown to the Mayor and Council as well as to the public.
- Ken Albert explained that the Developer has done a lot of work since they were last before the Mayor and Council and new exhibits are being presented to the Planning Board on Thursday evening (December 6<sup>th</sup>).
- Councilman Hamer is pleased with this approach and that the vote will not be taking place on December 18<sup>th</sup>.
- Councilwoman Algrant had an epiphany:
  - The overall purpose is for the Council to set the criteria for a thriving residential and commercial development in Englewood.
  - Glad to see that the project has moved on from previous issues such as; push back by the neighbors on the expansion of Shop Rite, an effort to preserve and restore existing homes rather than build new and developer is no longer proposing 23 dwelling units which would have been too dense for the neighborhood.
  - Everyone involved has come to the realization that we all want stable, owner occupied single family homes with an expanded Shop Rite that will serve the needs of our diverse community.
  - At this point we are deciding on what the neighborhood and the houses will look like.
  - Appreciates the extra time to work on this, but we do need to move on it.
  - Would like the Redevelopment Agreement to have teeth so we can insure that everything we want is in the agreement and be incorporated in the neighborhood as well.
- Councilman Cohen compared this project to the Barclay's Center in Brooklyn which started at the same time but is already open and operating and we are not even done. Appreciates that Shop Rite and GLF are still here and willing to go forward with the project. Glad that we are not voting tonight and that it gives the newest council member time to get up to speed on the project, but we need to move forward quicker on this and future projects.
- Councilman Skurnick asked if public session could be now on this project.

Public Session:

- Anne Dermansky 300 Katherine Street:
  - Glad that the ordinance is not being introduced tonight. Would like the Redevelopment Agreement finalized first.
  - Concerned that there might be disconnect between what the Council approves and is actually built (i.e. Towne Center).
  - Wants the Mayor and Council to think outside the box, the views from the second floors of the homes will be terrible.
- Suzanne Patzold 312 W. Palisade Avenue:
  - Grateful that the brakes were put on a sudden decision and giving Councilman Hamer a chance to get up to speed. Thanked Councilman Skurnick for his pertinent questions.
  - The 8 houses on the east side should be built at the same time as the Shop Rite expansion is done due to all the earth moving that will be required. The project should not take 3 years.
  - Wants a guarantee from the Developer that work will actually take place and the buffers will be maintained into perpetuity.
- Leonardo Acosta 81 Charles Street:
  - Wants the Mayor and Council to be sure that they include all the properties in the zoning change. Also do not forget the houses that Shop Rite needs to purchase in order to expand.
  - The project needs to be completed in less than 3 years.
- Sandy Greenberg 449 Liberty Road:
  - Glad that the ordinance is not being introduced tonight.
  - Reminded everyone that nothing has been done without the residents being involved.
  - 55 and older adult communities are on the rise according to a newspaper article.
  - City already has a law on the books prohibiting illegal and substandard rentals.
  - Wants overnight parking prohibited on James Street.
  - Wants two bedroom houses on James Street.
  - Wanted to speak about Redevelopment Agreement but has been told she cannot because it is confidential.
- Suzanne Patzold 312 W. Palisade Avenue:
  - Supportive of two bedroom houses.

**RESOLUTION #236-12-04-12**

**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 and 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.

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

The City Council went into Closed Session at 9:45PM and returned to Open Session at 10:32PM.

Motion: Algrant

All in Favor

Resolutions:

- Schedule of Meeting Dates for 2013
- Schedule of Holidays for 2013
- Person- to-Person Transfer of Plenary Retail Distribution License
- Person- to-Person Transfer of Plenary Retail Consumption License (Hotel/Motel Exception)
- Person- to-Person Transfer of Plenary Retail Consumption License
- Authorize Agreement with Bergen County for Employee Assistance Program (EAP)
- Authorize Agreement with Bergen County for Animal Control Services

**ADJOURN: 10:41 PM**

Motion: Cohen

All in Favor

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Lauren Vande Vaarst, RMC  
City Clerk