

City of Englewood
City Council Meeting Minutes
December 18, 2012

A Regular Formal 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 Wayne Hamer
Council member Lynne Algrant
Mayor/Council President Frank Huttle III
City Attorney William Bailey
City Manager Timothy Dacey
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.

Moment of Silence for the victims of the Sandy Hook Elementary School shooting in Newtown, CT

RESOLUTION #237-12-18-12

RESOLUTION ACCEPTING MINUTES

BE IT RESOLVED, that the following minutes be and are hereby accepted and filed:

COUNCIL WORKSHOP MEETING

November 20, 2012
December 4, 2012

COUNCIL MEETING

November 27, 2012

CLOSED SESSION MINUTES

November 20, 2012
December 4, 2012

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

RESOLUTION #238-12-18-12

APPROVE PAYMENT OF BILLS AND CLAIMS

WHEREAS, The Chief Financial Officer has certified and submitted a consolidated bill and claims list for payment as well as a consolidated list of prepaid items. The prepaid items include emergency payments, wire transfers and regularly scheduled monthly payments that are paid between bill and claims list dates; 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 lists are hereby approved for payment in the total amount of \$7,978,426.52.

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

Comments from Mayor and Council on Resolution #238:

- Councilman Skurnick commented on the purchases of auto parts.

Communications from the Mayor/Council Members:

Comments from the City Manager:

- The sidewalk and curb repairs from Hurricane Sandy will be completed on Friday, December 21, 2012.
- Spoke about the issue of gas leaks underneath Lydecker Street. Thirteen individual leaks have recently been discovered and PSE&G are repairing them. The City has asked PSE&G to replace the whole line but they are refusing, so the City will approach BPU about this. Mayor Huttel would like a formal Resolution with specifics be sent to BPU along with the City's letter of complaint.
- Free Downtown parking began on Monday, December 17th and will continue through December 29th.
- Work is proceeding on Nordhoff Place and the City has received the check from the Brownstone apartments.
- Registration for the Spring Recreation Programs will begin in January; ads announcing the registration have been running in the Northern Valley Press and the Suburbanite.
- The City Manager has come up with a new plan for leaf pick up since mandatory bagging is not supported. Councilwoman Algrant commented that she will champion once a week garbage pickup during leaf season. Mr. Dacey also mentioned that one man garbage trucks will free up additional DPW staff to collect leaves.

ORDINANCE #12-29

AN ORDINANCE AUTHORIZING THE RENEWAL OF 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

WHEREAS, for a substantial period of time the Council of the City of Englewood has been engaged in efforts to further and improve the development of the downtown business area of the City; and

WHEREAS, such efforts are designed to benefit and assist Owners of properties throughout the City, and all of the residents of the City, by improving and stabilizing the tax base of the City and providing programs and services for the residents and children of the City; and

WHEREAS, the Englewood Economic Development Corporation (hereinafter EEDC) is a nonprofit corporation which was incorporated and which exists for the purpose of assisting in such improvement and development; and

WHEREAS, the Council has heretofore expressed its conclusion and does hereby repeat its conclusion that the development and use of the building previously used as a recording studio, located on North Van Brunt Street, and now to be subleased by the EEDC to the Bergen Performing Arts Center ("Bergen PAC") as a performing arts school which would contribute to such development and improvement of the downtown business area of the City, provide programs and opportunities for the residents and children of the City, and would thus be in the best interests of the City; and

WHEREAS, the Council has heretofore expressed its intention to enter into a lease with EEDC covering the said premises, for the purpose of having EEDC further sublease the property for development and use in conjunction with Bergen PAC; and

WHEREAS, the Council has concluded that the participation of EEDC in the development of such use represents a sound approach to the development of such use and a sound approach to the overall objective of furthering the redevelopment and improvement of the downtown business area, by involving the City's business community in such efforts and obtaining for the City the benefit of the experience and assistance of representatives of the City's business community in such efforts; and

WHEREAS, the Council has concluded that the making of this lease and sublease hereinafter referred to and the development and use of the former studio will serve a valuable public purpose; and

WHEREAS, the Council has concluded that the premises to be so leased and subleased are not required for any municipal purpose other than the aforesaid proposed use; and

WHEREAS, the Council has concluded that the aforesaid public purpose to be served by the aforesaid sublease, and the aforesaid activities of EEDC as lessee, will benefit all of the residents of the City of Englewood,

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ENGLEWOOD:

Section 1. The Mayor or the City Manager is authorized to execute and the City Clerk is authorized to attest a sublease with the Englewood Economic Development Corporation, covering the premises more particularly described on Schedule A Annexed hereto and forming part hereof, the said sublease to be made pursuant to the substantive terms and conditions contained in a proposed form of sublease between the City and the Englewood Economic Development Corporation which is on file in the office of the City Clerk.

Section 2. The said sublease shall provide for rental payments and additional obligations, as more particularly described in the term of sublease on file with the City Clerk as aforesaid.

Section 3. The term of the said sublease shall be five (5) years, commencing on January 1, 2013 and terminating on December 31, 2017 with the option to renew the sublease for three additional five-year terms, to commence at the expiration of the previous term; subject to prior termination as provided in the aforesaid form of sublease on file in the office of the City Clerk.

Section 4. The Mayor or the City Manager is authorized to execute and the City Clerk is authorized to attest any and all other documents and papers necessary to accomplish the subleasing authorized by his ordinance and the aforesaid officials, and the City Solicitor is authorized to take all necessary actions in order to effect the said subleasing and carry out the terms and conditions thereof

Section 5. The City Manager shall be the person responsible for enforcement of the conditions of the aforesaid sublease, and EEDC shall annually submit to such person a report setting out the use to which the aforesaid premises were put during such year, the activities of EEDC, and the approximate cost or value thereof, if any, undertaken during such year in furtherance of such public purpose, and an affirmation of the continued tax exempt status of EEDC pursuant to law.

Section 6. This ordinance shall become effective immediately upon passage and publication as required by law.

FIRST READING DATE: November 27, 2012

COUNCIL	MOTION	VOTE
Algrant		Y
Forman		Y
Skurnick		Y
Cohen		Y
Hamer	X	Y

DATE PUBLISHED IN THE RECORD: November 30, 2012

DATES PUBLIC HEARINGS HELD: December 18, 2012

DATE SECOND READING HELD: December 18, 2012

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant	X	Y	X	Y	X	Y
Forman		Y		Y		Y
Skurnick		Y		Y		Y
Cohen		Y		Y		Y
Hamer		Y		Y		Y

Public Hearing on Ordinance #12-29:

No one from the Public came forward to speak.

Comments from Mayor and Council on Ordinance #12-29:

- Councilman Skurnick asked if a yearly report will be given to the Mayor and Council indicating the number of residents involved in the programs and the amount of scholarships awarded. EEDC Chair Adam Brown said yes that the EEDC is obligated to do so by the City Code.

Public Comment on Agenda Items:

No one from the Public came forward to speak.

RESOLUTION #239-12-18-12

**AUTHORIZE EMERGENCY APPROPRIATION
FROM HURRICANE SANDY**

WHEREAS, an emergency has arisen with respect to the damage and repairs throughout the City as a result of Hurricane Sandy and no adequate provision was made in the 2012 budget for the aforesaid purpose; and

WHEREAS, N.J.S. A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriation(s) created including the appropriation to be created by this resolution is \$140,000 and three percent of the total operations in the budget for the year is \$1,794,478.65.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, County of Bergen, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for in the amount of \$140,000.
2. That said emergency appropriation shall be provided in full in the 2013 budget.
3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.

BE IT FURTHER RESOLVED that the City Clerk is authorized to forward two certified copies of this resolution to the Director of Local Government Services.

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

Comments from Mayor and Council on Resolution #239:

- Councilman Skurnick said that he would be voting No on this resolution because of the inclusion of Police Department overtime. He feels that this transfer to cover Police overtime could have been avoided if the overtime budget was better managed earlier in the year before Hurricane Sandy.
- Mayor Huttel feels that the cost would have been the same because of the necessary response to the storm.

RESOLUTION #240-12-18-12

**AUTHORIZE EMERGENCY APPROPRIATION
FOR FLOODING IN CITY HALL**

WHEREAS, an emergency has arisen with respect to flooding in the basement of the City Hall and no adequate provision was made in the 2012 budget for the aforesaid purpose; and

WHEREAS, N.J.S. A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriation(s) created including the appropriation to be created by this resolution is \$175,000 and three percent of the total operations in the budget for the year is \$1,794,478.65.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, County of Bergen, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for in the amount of \$175,000.
2. That said emergency appropriation shall be provided in full in the 2013 budget.
3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.

BE IT FURTHER RESOLVED that the City Clerk is authorized to forward two certified copies of this resolution to the Director of Local Government Services.

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

RESOLUTION #241-12-18-12

AUTHORIZE BUDGET TRANSFERS FOR BUDGET YEAR 2012

WHEREAS, N.J.S.A. 40A:4-58 provides that budget transfers must take place prior to December 31, 2012 for the 2012 Budget; and

WHEREAS, there is a need for budget transfers due to unforeseen circumstances and the need to provide funds to cover imminent obligations; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, County of Bergen, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) that the Chief Financial Officer is hereby authorized to make transfers from Current Fund Budget accounts for the year 2012 where a deficit would possibly occur on or before December 31, 2012 pursuant to and in accordance with provisions in N.J.S.A. 40A:4-58 and according to the schedule attached hereto.

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

Comments from Mayor and Council on Resolution #241:

- Councilman Skurnick said that he would be voting No on this resolution also and spoke about the Police Department budget. He will be asking for a comparison of Englewood Police Department overtime as compared to other municipalities with comparable size police forces.
- Councilwoman Algrant thanked Councilman Skurnick for his vigilance on this issue and will work with him on this.
- Councilman Forman asked if any funds in this resolution were being transferred to the Police Department, and Mr. Amorino, CFO responded that they were not.
- Mayor Huttie thanked Councilman Skurnick for his comments and starting a dialogue about this because next year's budget is facing a deficit. He also thanked the City Manager and the CFO for their excellent work and the lowest total amount of Budget transfers in years; \$740,000 of \$60 million dollars.

Resolution #242-12-18-12

Cancellation of Ordinance #04-30

WHEREAS, Ordinance #04-30 for \$3,000,000 was introduced on November 9, 2004 and subsequently adopted on December 7, 2004; and

WHEREAS, the ordinance, titled Lincoln School Renovations, provided for the issuance of \$2,850,000 in bonds or notes; and

WHEREAS, the project, described as Lincoln School Renovation, is no longer viable and the potential to borrow against the project is not necessary; and

WHEREAS, the ordinance is listed as Authorized but not Issued \$2,850,000 (down payment of \$150,000) so no notes or bonds have been pledged; and

WHEREAS, upon cancellation the original down payment of \$150,000 will be transferred to Capital Surplus; and

WHEREAS, by cancelling the ordinance the borrowing power of the City is positively affected and therefore, the percentage of net debt of equalized valuation as depicted on both the Annual Debt Statement and Supplemental Debt Statement is lowered; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that Ordinance #04-30 in the amount of \$3,000,000 is hereby cancelled.

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

Resolution #243-12-18-12

Cancellation of Ordinance #85-22

WHEREAS, Ordinance #85-22 providing for the issuance of \$375,100 in bonds and notes was introduced on April 16, 1985 and subsequently adopted on May 7, 1985; and

WHEREAS, the project, described as Construction of a Transfer Station, utilized all but \$35,600 and is deemed complete; and

WHEREAS, the balance of the ordinance is listed as Authorized but Not Issued so no notes or bonds have been pledged for this amount; and

WHEREAS, by cancelling the balance of the ordinance, \$35,600, the borrowing power of the City is positively affected and therefore, the percentage of net debt of equalized valuation as depicted on both the Annual Debt Statement and Supplemental Debt Statement is lowered; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the balance of Ordinance #85-22 in the amount of \$35,600 is hereby cancelled.

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

RESOLUTION #244-12-18-12

RESOLUTION AUTHORIZING GRANT AGREEMENT FOR 2012-2013 FUNDING OF THE OVERPECK CREEK CHANNEL WALL REHABILITATION PROJECT

BE IT RESOLVED, that the City Council of the City of Englewood wish to enter into a grant agreement with the U.S. Department of Housing and the Bergen County Board of Chosen Freeholders for the purpose of using a \$550,000 grant award from the 2012-2013 Funding for the project entitled Overpeck Creek Channel Wall Rehabilitation Project; and

BE IT FURTHER RESOLVED, that the City Council of the City of Englewood hereby authorize Timothy Dacey, City Manager to be a signatory to the aforesaid grant agreement Contract; and

BE IT FURTHER RESOLVED, that City Council of the City of Englewood hereby authorize Ronald Amorino, Chief Financial Officer to sign all County of Bergen Payment Vouchers submitted in conjunction with the aforesaid project; and

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

RESOLUTION #245-12-18-12

AUTHORIZE AGREEMENT WITH BERGEN COUNTY FOR EMPLOYEE ASSISTANCE PROGRAM (EAP)

WHEREAS, the City of Englewood is desirous of contracting for the Employee Assistance Program (EAP) with the County of Bergen; and

WHEREAS, the County of Bergen has proposed to furnish the Employee Assistance Program (EAP) to the City of Englewood; and

WHEREAS, the City Council, pursuant to the provisions of Section 67-6 of Article II of Chapter 67 of the Code of the City of Englewood, has heretofore authorized the execution of cooperative agreements with the County of Bergen; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to award this contract;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Englewood, Bergen County, New Jersey, that the City Manager is hereby authorized to execute an agreement between the City of Englewood and the County of Bergen for the Employee Assistance Program (EAP) for the year 2013.

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

RESOLUTION #246-12-18-12

**AUTHORIZE AGREEMENT WITH BERGEN COUNTY
FOR ANIMAL CONTROL SERVICES**

WHEREAS, the City of Englewood is desirous of contracting for Animal Control Services with the County of Bergen; and

WHEREAS, the County of Bergen has proposed to furnish Animal Control Services and to the City of Englewood; and

WHEREAS, the City Council, pursuant to the provisions of Section 67-6 of Article II of Chapter 67 of the Code of the City of Englewood, has heretofore authorized the execution of cooperative agreements with the County of Bergen; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to award this contract;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Englewood, Bergen County, New Jersey, that the City Manager is hereby authorized to execute an agreement between the City of Englewood and the County of Bergen for Animal Control Services for the year 2013.

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

RESOLUTION # 247-12-18-12

**PERSON- TO-PERSON TRANSFER
OF PLENARY RETAIL CONSUMPTION LICENSE (HOTEL/MOTEL EXCEPTION)**

WHEREAS, an application has been filed for a Person-to-Person Transfer of a Plenary Retail Consumption License (Hotel/Motel Exception) Number 0215-36-046-005, heretofore issued to CP Englewood LLC, trading as Crowne Plaza Englewood, for premises located at 401 South Van Brunt Street, Englewood, New Jersey 07631; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood does hereby approve, effective December 18, 2012, the Person-to-Person Transfer of the aforesaid Plenary Retail Consumption License (Hotel/Motel Exception) to Crescent Hotels & Resorts, LLC, trading as Crowne Plaza Englewood, and does hereby direct the City Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Crescent Hotels & Resorts, LLC effective December 18, 2012."

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

RESOLUTION # 248-12-18-12

**PERSON- TO-PERSON TRANSFER
OF PLENARY RETAIL DISTRIBUTION LICENSE**

WHEREAS, an application has been filed for a Person-to-Person Transfer of a Plenary Retail Distribution License Number 0215-44-015-012, heretofore issued to Shreenathji Krupa, Inc., trading as Beverage Barn, for premises located at 70 Grand Avenue, Englewood, New Jersey 07631; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood does hereby approve, effective December 18, 2012, the Person-to-Person Transfer of the aforesaid Plenary Retail Distribution License to 70 Grand LLC, and does hereby direct the City Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to 70 Grand LLC effective December 18, 2012."

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

RESOLUTION # 249-12-18-12

**AUTHORIZING AWARD OF CONTRACT FOR
ENGLEWOOD AVENUE DRAINAGE IMPROVEMENTS**

WHEREAS, due to drainage problems quotations were obtained for a catch basin to be installed on West Englewood Avenue near the southwest corner of the building located at 231 W. Englewood Avenue in accordance with specifications therefore; and

WHEREAS, specifications were sent and quotations were received from three (3) vendors; and

WHEREAS, the quotation submitted by B. Puntasseca Contractors located at 210 Willow Avenue, Hackensack, New Jersey 07601 for the sum of \$12,960 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, this bid is awarded according to a fair and open process pursuant to PL 2004, c.19; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by B. Puntasseca Contractors 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 B. Puntasseca Contractors for the installation of a catch basin on West Englewood Avenue in accordance with the specifications therefore.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds are available to award this contract.

Funding for this project is available from the following sources:

- Ordinance 06-08(o)

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

RESOLUTION # 250-12-18-12

**PERSON- TO-PERSON TRANSFER
OF PLENARY RETAIL CONSUMPTION LICENSE**

WHEREAS, an application has been filed for a Person-to-Person Transfer of a Plenary Retail Consumption License Number 0215-33-017-002, heretofore issued to One West Englewood Avenue Corp, trading as Club One West, for an inactive license with a mailing address of 147 Van Buskirk Road, Teaneck ,New Jersey 07666; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood does hereby approve, effective December 18, 2012, the Person-to-Person Transfer of the aforesaid Plenary Retail Consumption License to Group B Holdings LLC, for an inactive license with a mailing address of 90 W. Palisade Avenue, 2nd Floor, Englewood, New Jersey 07631 and does hereby direct the City Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Group B Holdings LLC effective December 18, 2012."

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

Resolution #251-12-18-12

Cancellation of Non-Collectible Receivables

WHEREAS, the City of Englewood has a receivable due from the property known as Block 3501 Lot 12 in the City of Englewood; and

WHEREAS, this receivable has been deemed uncollectable; and

WHEREAS, the CFO recommends that since the receivable balance of \$917,703.00 is uncollectable, the amount in question should be cancelled;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the unpaid receivable on this property is hereby cancelled.

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

Comments from Mayor and Council on Resolution #251:

- Councilman Cohen explained that this resolution is on the agenda based upon the recommendation of the Auditor; and passage of this resolution will cancel these uncollectible taxes from the City's budget. Since Councilman Cohen has been on the Council the cancellation of taxes on the Libyan Embassy has been denied which he feels is correct. He knows that the city has lost court cases in its attempt to collect these taxes, but he feels that we should keep these taxes on the books so that the City can retain its right to appeal that taxes and not give up its ability to fight. He will be voting No on this resolution.
- Bill Bailey, City Attorney explained that this resolution addresses taxes that are on the books from the 1980's and the 1990's. The 3rd Circuit Court of Appeals and the State of NJ both ruled that these taxes cannot be collected. If the legal status of the property changes then going forward taxes can be collected on the subject property. Changes that would impact the tax exempt status are using the property as a business entity, no longer using it as an embassy, or if the United States no longer recognizes that country. This is really a Federal issue and for the City it is just an accounting matter.
- Councilwoman Algrant understands Councilman Cohen's sentiment about this issue. The City did fight valiantly in the courts but we lost. We need to keep in mind that if we had won on this issue it would have opened up U.S. properties the world over to be taxed by the foreign governments in which those properties are located, and the U.S. government is the largest landowner throughout the world. Councilwoman Algrant thanked the City's professionals for their efforts and that they are simply trying to clean up the books.

Public Session:

- Nicole Williams(Librarian) 53 E. Hudson Avenue and Nina Nanasi (Library Trustee) 265 Mountain Road:
 - o Updated the Mayor and Council on the Englewood Public Library's Strategic Plan and thanked them for their help. The Strategic Plan is expected to be completed in early 2013.
- Alva Jones 87 DuBois Court:
 - o Spoke about Hurricane Sandy and that she was thoroughly disgusted that it took 9 days to get their heat and electricity back. Wondered if she had not called the Mayor if and when it ever would have come back on.
 - o Concerned about the winter and asked if PSE&G has permanently fixed everything they had put "band-aids" on after the storm. *The Mayor explained that PSE&G has to do band-aid repairs during and after the storm in order to get services back online as soon as possible, but they are have been working since the storm to make the repairs permanent.*

- Stanley Shapiro 9 Kira Lane:
 - Resident of Summit Woods Condominiums and mentioned that the City is in negotiations with them.

RESOLUTION #252-12-18-12

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.
- (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	X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Hamer</i>		X			

ADJOURN: 9:10 PM

Motion: Huttle
All in Favor

Lauren Vande Vaarst, RMC
City Clerk