

CITY OF ENGLEWOOD
CITY COUNCIL WORKSHOP MEETING
MUNICIPAL COURT 73 S. VAN BRUNT STREET
February 12, 2013 – 7:30 pm

OPEN PUBLIC MEETINGS ACT STATEMENT

WORKSHOP AGENDA ITEMS:

- **ITEMS FOR DISCUSSION:**
 - Boys & Girls Club of Englewood

- **ORDINANCES:**
 - Bond Ordinance #13-01
 - James Street Ordinance

- **RESOLUTIONS:**
 - 2012 Reserve Budget Transfers
 - Rescind Shared Services Agreement with the Englewood Public School District to provide Information Technology Services
 - Award Professional Services Contract to Business Systems Unlimited, Inc to provide Information Technology Services
 - Resolution for a Zero 2013 Municipal Budget
 - Award of Contract for Appraisal Services for New Construction and Improvements for Added Assessments
 - Award Professional Services Contract for Real Estate Appraiser to Defend the 2013 Tax Appeals filed with the Bergen County Board of Taxation
 - Authorize Execution of Settlement Agreement with Cross Creek Home Owners Association, Inc.
 - Authorize Conveyance of Public Land
 - Resolution Opposing Assembly Bill A-1196

- **PUBLIC SESSION:**

- **CLOSED SESSION:**

- **ADJOURN**

CITY OF ENGLEWOOD

ORDINANCE #13-01

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL PROJECTS OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$3,950,000 THEREFOR, INCLUDING \$800,000 EXPECTED TO BE RECEIVED AS GRANTS, ALONG WITH INSURANCE PROCEEDS OF \$230,000 AND INCLUDING THE AGGREGATE SUM OF \$146,000 AS THE SEVERAL DOWN PAYMENTS FOR THE IMPROVEMENTS OR PURPOSES AND AUTHORIZING THE ISSUANCE OF \$2,774,000 BONDS OR NOTES OF THE CITY FOR FINANCING PART OF THE COSTS THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Englewood, New Jersey, as general improvements. For the improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$3,950,000 including \$800,000 expected to be received as grants, along with insurance proceeds of \$230,000, and including the aggregate sum of \$146,000 as the several down payments for the improvements or purposes. The down payments are now available for capital improvement purposes in the Capital Improvement Fund.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,774,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated costs of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows, and are more particularly described in the plans and specifications on file with the City, which plans and specifications are hereby approved, including all work, materials and all else necessary therefor and incidental thereto:

Improvement or Purpose		Appropriation & Estimated Cost	Maximum Amount of Bonds or Notes	Useful Life
1.	Repair of Wright Arena	\$1,050,000	\$779,000	15
2.	Overpeck Creek Channel Wall Replacement	2,900,000	1,995,000	15
TOTAL		\$3,950,000	\$2,774,000	

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such

determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale, and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained, and the name of the purchaser.

Section 5. The capital budget of the City of Englewood is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. Any grants received by the City for any purpose set forth in Section 3 hereof, including but not limited to, Bergen County Community Development Grants, are hereby appropriated for said purpose set forth in Section 3 hereof and shall be applicable either to the direct payment of the cost of such purpose or to the payment or reduction of the obligations issued or authorized herein. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 7. The following additional matters are hereby determined, declared, recited, and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the City may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof, within the limitations of the Local Bond Law, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and bond anticipation notes provided in this bond ordinance by \$2,774,000. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$350,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 8. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. This bond ordinance shall take effect 20 days after publication thereof after final adoption, as provided by the Local Bond Law.

ORDINANCE #13-01

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL PROJECTS OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$3,950,000 THEREFOR, INCLUDING \$800,000 EXPECTED TO BE RECEIVED AS GRANTS, ALONG WITH INSURANCE PROCEEDS OF \$230,000 AND INCLUDING THE AGGREGATE SUM OF \$146,000 AS THE SEVERAL DOWN PAYMENTS FOR THE IMPROVEMENTS OR PURPOSES AND AUTHORIZING THE ISSUANCE OF \$2,774,000 BONDS OR NOTES OF THE CITY FOR FINANCING PART OF THE COSTS THEREOF.

RECORD OF VOTE

FIRST READING DATE:

COUNCIL	MOTION	VOTE
Algrant		
Forman		
Skurnick		
Cohen		
Hamer		

DATE PUBLISHED IN THE RECORD:

DATES PUBLIC HEARINGS HELD:

DATE SECOND READING HELD:

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

Y=YES N=OPPOSED A=ABSTAINED AB=ABSENT

PRESENTED TO MAYOR:

APPROVED _____

REJECTED _____ (VETO)

MAYOR FRANK HUTTLE III

I do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted and approved by the Mayor and Council of the City of Englewood.

Lauren P. Vande Vaarst, RMC
City Clerk

EXHIBIT B

CITY OF ENGLEWOOD

ORDINANCE #13-XX

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

WHEREAS, the CBD-3 District encompasses what is commonly known as the "central core" of Tax Block 610, including the Palisades Court / Tallman Place Shop-Rite, a 55,000 square foot supermarket, and the surrounding mini-mall, excluding the commercial properties abutting North Van Brunt Street and West Palisade Avenue and the residential lots on the east side of James Street; and

WHEREAS, to allow for assembly of the central core from multiple owners, the City opted for redevelopment under Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. and, once assembled into common ownership, the City planners and governing body chose in 1989 a zoning scheme known as "planned development", which is defined in the Municipal Land Use Law to include one or more subsets of planned development; and

WHEREAS, one of those subsets, chosen by Englewood for the central core, was a "planned commercial development", defined in N.J.S.A. 40:55D-6 to mean:

... an area of a minimum contiguous or non-contiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses incidental to the predominant use as may be permitted by ordinance; and

WHEREAS, the introductory statement of "Purpose" in Code Section §4-6.1 confirms the intention of the 1989 City Council to treat the area as a "planned commercial development", and Code §4-6.4 establishes the minimum requirement of seven (7) contiguous acres and

WHEREAS, the Shop-Rite has presented a case for expanding its footprint an additional 20,000 square feet, predicated upon the need to expand the array of foods demanded by a remarkable ethnic variety of consumers in the Englewood population and the catchment area beyond the City limits – which consumer population includes Asians, Asian Indians, Hispanics and Orthodox Jews; and that without the expansion, the supermarket interests claim that the supermarket cannot maintain both its competitive edge by adequately serving these ethnic communities; and

WHEREAS, it is the intention of the Mayor and Council of the City of Englewood, New Jersey to ensure that the land use arrangement of residential and commercial uses reflect sound planning design; and

WHEREAS, it is the intention of the Mayor and Council to impose suitable regulatory controls to ensure appropriate development in the City; and

WHEREAS, it is the intention of the Mayor and Council to amend the CBD-3 District by expanding this zone by approximately 60 feet in depth toward James Street to enable enhancements to the character of on-site commercial development, encompassing a portion of Block 610 Lots 21 through 31, as shown on the accompanying zone map; and

WHEREAS, the amendment to the CBD-3 District includes parking modifications for retail and supermarket use because the City seeks to enhance the refurbishment of the existing supermarket and associated retail activities in the CBD-3 District which shall improve the availability of goods for the neighborhood; and

WHEREAS it is recognized that, in order to facilitate the enhancement of this supermarket and associated retail activities, adjustment to parking calculations are necessary; and

WHEREAS the existing retail and supermarket spaces are delineated at a ratio of 1 parking space per 256 square feet of floor area and the proposed ratio of 1 parking space per 275 square feet of floor area is proposed as an appropriate parking ratio within this district to ensure the expansion of the supermarket to serve the resident population without any adverse impact on the site; and

WHEREAS, it is the intention of the Mayor and Council to create new R-F One-Family Residential District, encompassing a portion of Block 610 Lots 21 through 31, as shown on the accompanying zone map, to encourage the development of detached single family residential dwellings; and

WHEREAS, it is the intention of the Mayor and Council to achieve the above in a manner that ensures the City of Englewood land use policies serve to promote several purposes of the Municipal Land Use Law, including "promoting more efficient use of land", and "providing sufficient space in appropriate locations for a variety of residential and commercial uses"; and

WHEREAS, the proposed rezoning shall result in an improvement over the current state of the existing site development, thereby furthering a number of purposes of the City's Master Plan; and

WHEREAS, the proposed rezoning shall reinforce the neighborhood's established residential character, and is generally consistent with, the City's established attached residential densities; and

WHEREAS, the proposed rezoning results in residential development that will be in close proximity to the downtown district, which is consistent with sound planning principles that encourage new housing opportunities near commercial centers;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Englewood, Bergen County, New Jersey, as follows:

SECTION 1: Chapter 250 of the Code of the City of Englewood, entitled "Land Use", Part 4, entitled "Zoning", Article IX, entitled "Zoning Districts and Zoning Map", Section 250-54, entitled "Establishment of Districts", is hereby amended with the inclusion of the following:

One-Family Residential District.....R-F

SECTION 2: Section 250-55, entitled "Zoning Map", is supplemented by adding new paragraph 35 as follows:

35. The district boundaries established by the aforesaid map are amended so as to designate the following described premises as being within the One-Family Residence R-F District: Block 610 Lots 21-31 (partial).

The rear portion of Block 610 Lots 21-31 is rezoned as CBD-3 District.
See attached zone map for location and relocation of zone district lines.

[MAP TO BE PREPARED; ILLUSTRATION OF K. ALBERT DATED NOVEMBER 3, 2011
IS APPENDED]

SECTION 3: Section 250-59, entitled "One-family residence districts", subsection A.(1) is hereby supplemented to include the R-F District, with the following criteria:

B. Permitted uses. Within the R-F District, no land or building shall be used, nor shall any building be constructed, altered or designed to be used, for any purpose other than the following:

(1) Detached single-family residential dwellings and other uses as permitted in, and regulated for, the R-E Zone.

(2) Accessory uses within a principle building as permitted in, and regulated for, the R-E Zone.

D. Accessory buildings and structures. As permitted in, and regulated for, the R-E Zone, except as specifically set forth herein.

Swimming pools, courts, and all paved areas such as interior sidewalks, driveways, patios, platforms, fencing, and lighting shall comply with the following setback requirements and height limitations:

(1) **Front Yard:** Not permitted, except for sidewalks extending from the interior driveway to the front door of the dwelling, and vehicular driveways.

(2) **Minimum Side Yard:** 3 feet, provided that where the City approves an interior sidewalk for the purposes of providing pedestrian access from the street to the CBD-3 Zone, the sidewalk shall be permitted to be placed two feet from the side yard line.

(3) **Minimum Rear Yard:** 10 feet

(4) **Maximum Fence Height:** 6 feet

(5) **Maximum Light Height:** 12 feet

(6) **Maximum Illumination on Adjacent Lots:** 0.2 foot candles max.

H. Minimum lot size requirements. Within the R-F Zone, a principal building shall comply with the following minimum area, yard, bulk and height requirements, provided however, that if greater dimensions are required for any particular use pursuant to other provisions of this ordinance, then such greater requirements shall apply:

Minimum Lot Area: 6,500 square feet

Minimum Lot Width: 80 feet

Minimum Lot Depth: 80 feet

I. Yard requirements.

Minimum Front Yard: 20 feet

Minimum Side Yard: 10 feet, Combined Side yards 40 feet

Minimum Rear Yard: 25 feet

In the case of a corner lot, each yard which abuts a street shall be considered a front yard, and all other yards shall be considered a side yard. In such case, the combined side yard requirement may be reduced by 5 feet from 40 to 35 feet, provided that a minimum of 10 feet must be maintained for at least one side yard. Additionally, on corner lots a front yard may be reduced by 10 feet

J. Regulations concerning yards, planting areas, fences, etc. A planting area, which, except as otherwise permitted herein, shall consist entirely of grass or other living plants, shall be provided within all of the following described areas adjacent to each side lot line and the rear lot line of each lot:

Minimum Area adjacent to each side line: 3 feet

Minimum Area adjacent to rear line: 10 feet;

provided, however that where the municipality approves an interior sidewalk for the purposes of providing pedestrian access from the street to the CBD-3 Zone, a sidewalk shall be permitted to be placed two feet from the side yard line.

Subsection J.(4) is hereby amended to include reference to the R-F Zone so it reads to indicate “that cornices and cantilevered roofs may project ...into any required yard in an R-D, R-E and R-F district a distance of not more than 12 inches.”

K. Height limitations. Maximum principal building height: 30 feet

L. Prohibited uses. In addition to the prohibition set forth in this Section, there shall be a prohibition of front loading garages facing a public right-of-way, except on a corner lot.

Maximum accessory building height: 12 feet, provided that the provisions applicable to chimneys, bulkheads, spires, and similar decorative features as regulated shall apply.

M. Maximum coverage.

Maximum building coverage: 25 percent

Maximum impervious coverage: 50 percent

Buffer: Minimum 6 foot rear yard buffer where adjacent to a nonresidential zone.

SECTION 4: Section 250-64, entitled “Central Business (CBD-3) District”, is hereby amended and supplemented as follows:

F. Yard requirements.

(2) Where a lot abuts a detached residential district, a yard of five (5) feet shall be required on that side of any lot which abuts a detached residential district. However, where a lot abuts a residential district and a six-foot wide planted evergreen buffer is provided by means of an easement on the residential lot, the 5-foot setback shall be construed as being met; provided, however, the foregoing waiver shall not be applicable and shall be required to be met where it abuts parking.

J. Floor area ratio. The following shall be substituted for existing criteria:

(1) The sum of the area of all principal and accessory buildings and structures, **including** parking structures, within a planned commercial development within the Central Business District (CBD-3) shall not exceed **forty-five (45%) percent** of the area of the site.

(2) The sum of the area of all floors of buildings or structures, excluding parking structures and excluding common areas and stairs for **office use**, within a planned commercial development within the Central Business District (CBD-3) shall not exceed **forty-five (45%) percent** of the area of the site.

(3) The sum of the area of all floors of buildings or structures developed for **retail use** shall not exceed **forty (40%) percent** of the area of the site.

K. Building length. The following shall be substituted for existing criteria:

No building shall exceed **350 feet** in length.

L. Parking. Subsection (2)(a) is amended as follows:

The minimum number of parking spaces required for all retail and supermarket uses within this district shall be one (1) space for each 275 square feet of floor area.

SECTION 5: Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereto to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

SECTION 6: All ordinances, codes or parts thereof that are inconsistent with this Ordinance are repealed or otherwise modified.

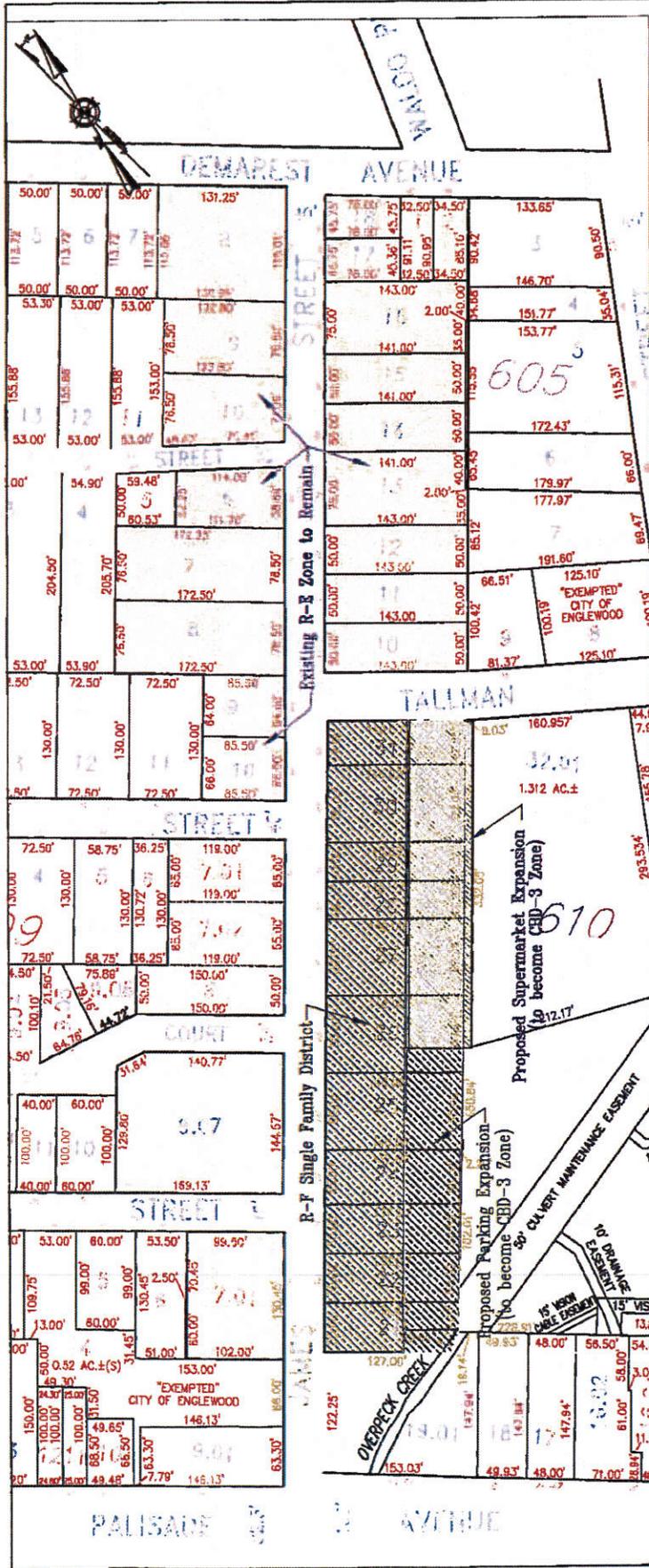
SECTION 7: This Ordinance shall take effect upon passage and publication as required by law.

EXHIBIT A

BLOCK0605
LOT 8

BLOCK 0610
LOT 1, 2.01, 2.02, 2.03, 3, 4.01, 4.02, 5, 6, 7.01, 8, 9, 10.01, 11.01, 12.01, 13.01, 14, 15, 32.01, 32.02, 33.01

EXHIBIT C



November 3, 2011



K. ALBERT ASSOCIATES, INC.
 Professional Engineers
 Professional Planners

9 Tull Street, Englewood, New Jersey, 07624
 Phone: 908/968-1600 Fax: 908/968-5144

IMPACT OF NEW R-F ZONE

R-F Zone, East side of James Street, 1.19 Acres @ 1 unit/6,500 sq. ft. = 8 dwelling units

Area to be rezoned in the CBD-3 Zone = 0.84 Acres

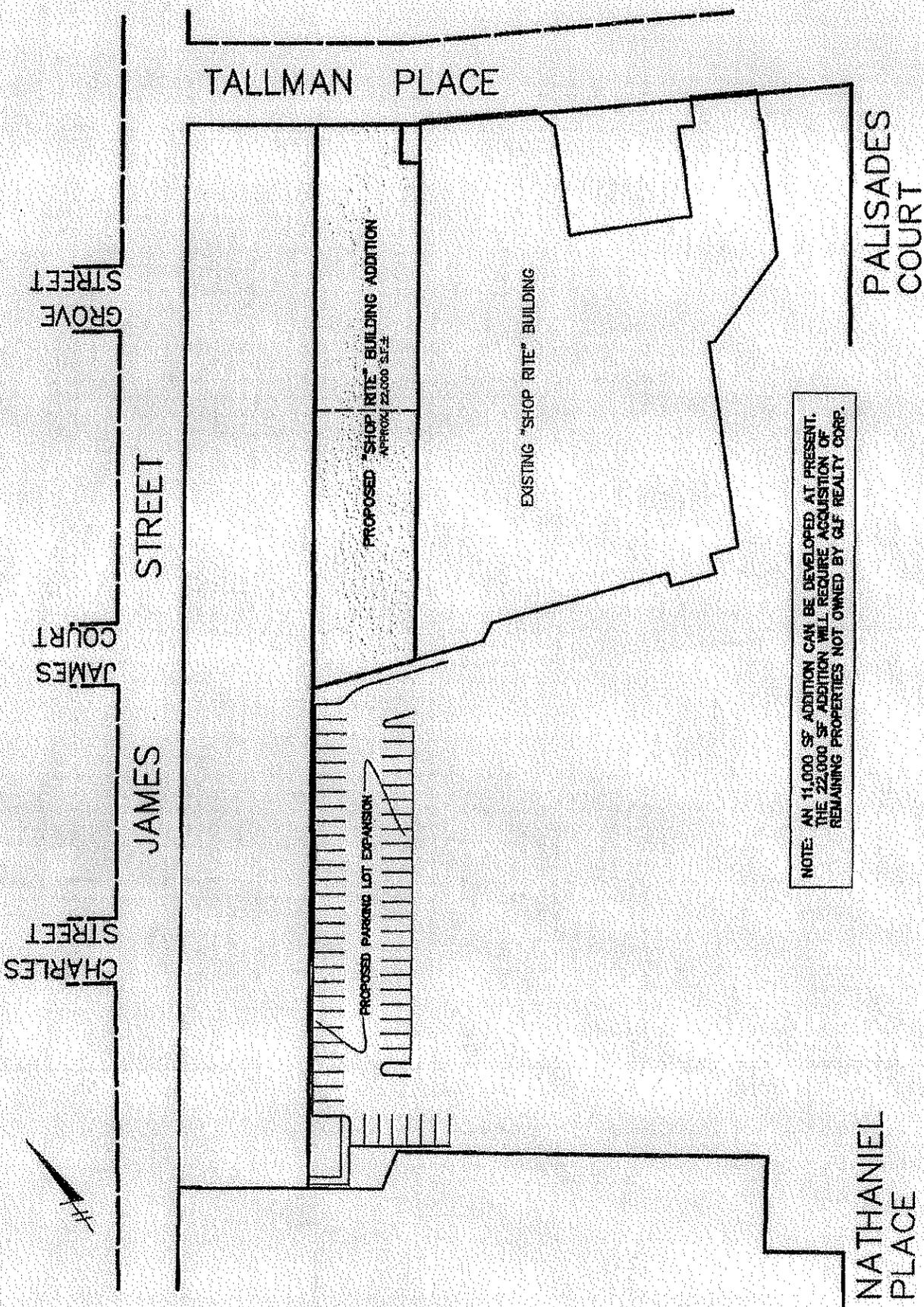
Total proposed number of units on east side of James Street = 8 units

Current conditions have 23 units in this area

EXHIBIT D

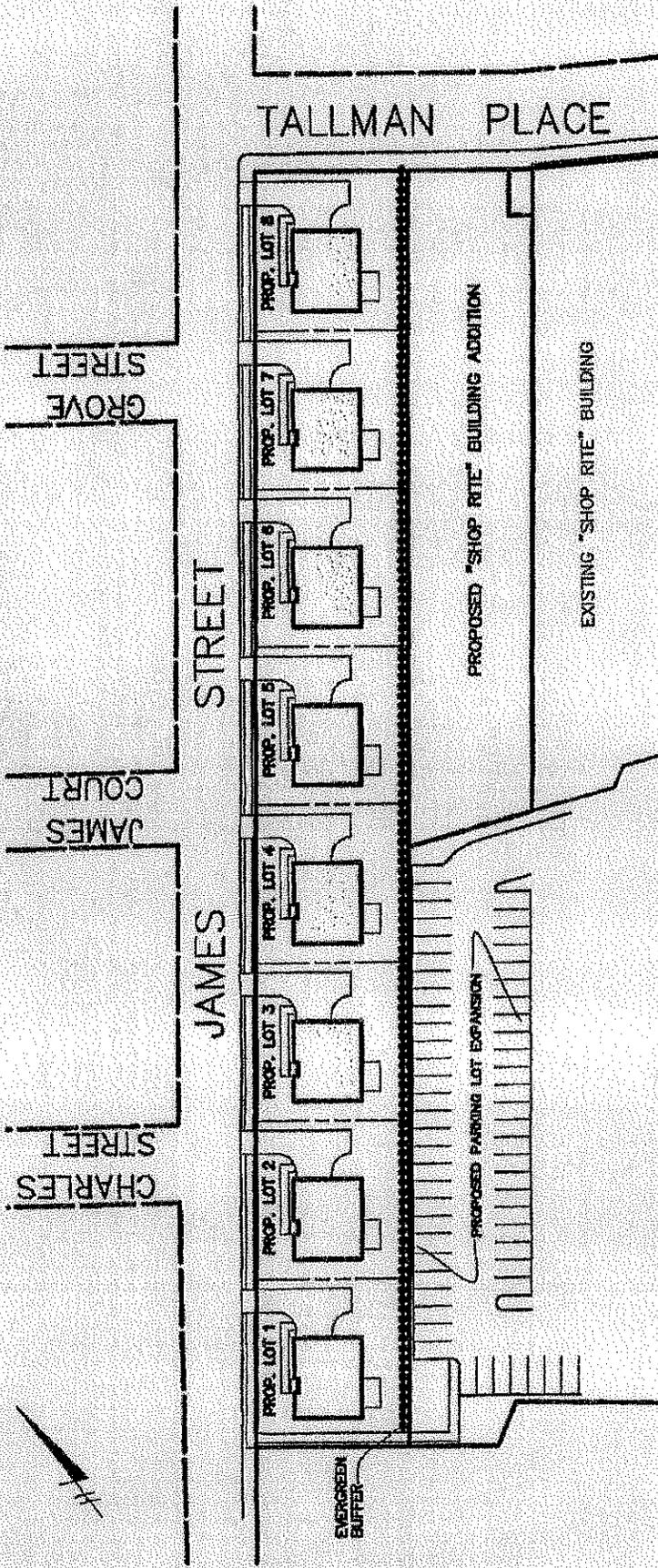
Minimum Design Standards

1. Each residential unit shall have three bedrooms and 2 and ½ baths.
2. All bathroom and kitchen fixtures shall be American Standard, Kohler, or equivalent as approved by the City Engineer including kitchen fixtures, sink faucets, tubs and shower faucets.
3. Front entrance door shall be decorative fiberglass simulated wood-grain.
4. Electrical service and wiring shall include both phone and TV jacks in sufficient locations to avoid any surface connections. The jacks shall be fully wired and connected to a central box such that all phone and/or cable connections need only be wired to the basement.
5. Cabinets and Countertops: Kitchen cabinets shall be made of wood or wood composite. Kitchen and bathroom countertops shall NOT be made of "Formica" or equivalent products but shall be quartz, stone, custom concrete, granite or equivalent.
6. Kitchen Appliances shall include a microwave, stove and dishwasher for all units. Clothes washer and dryer hook-ups shall be installed in each unit.
7. Each unit shall have a front porch.
8. Each unit shall have a rear patio of at least 150 sq. ft. or a rear deck of at least 150 sq. ft.
9. There will be siding, not stucco.



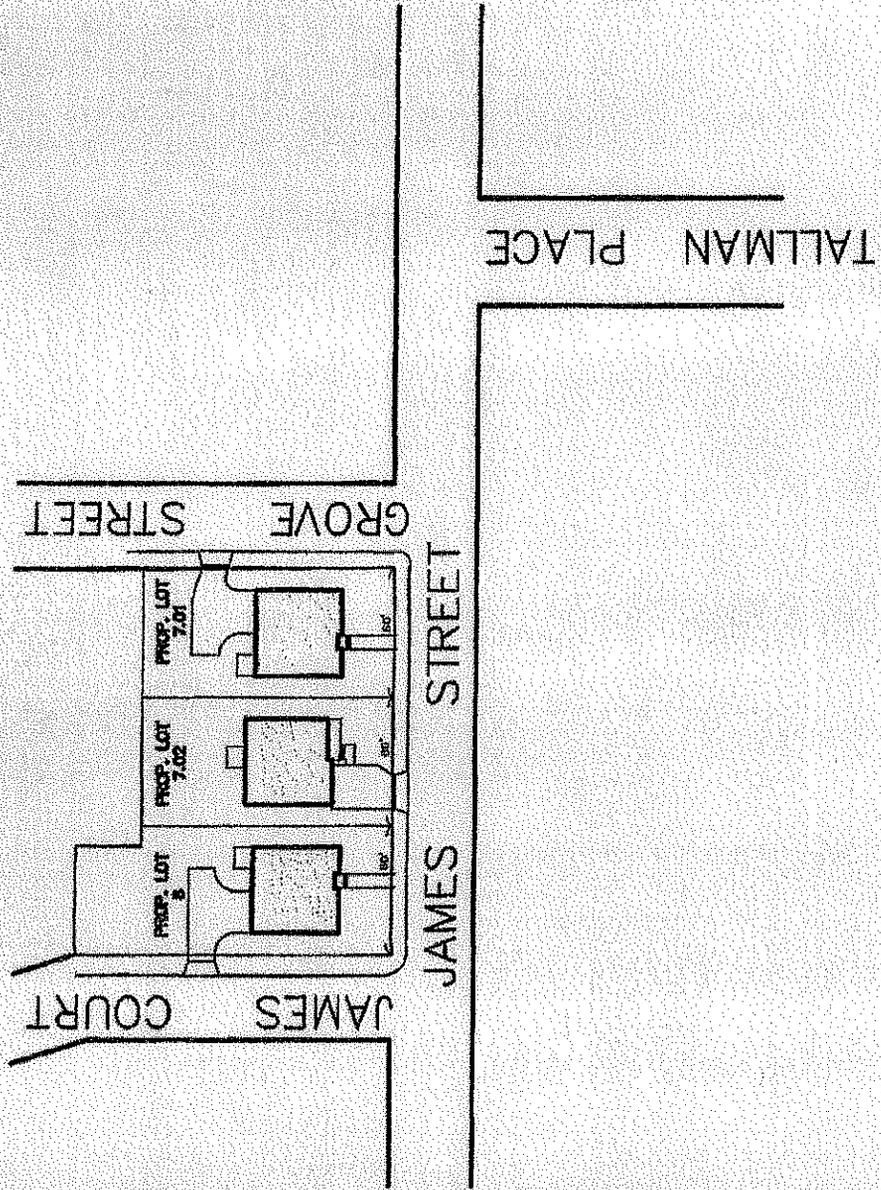
NOTE: AN 11,000 SF ADDITION CAN BE DEVELOPED AT PRESENT. THE 22,000 SF ADDITION WILL REQUIRE ACQUISITION OF REMAINING PROPERTIES NOT OWNED BY GJF REALTY CORP.

SHOPPING CENTER EXPANSION EXHIBIT E-1



NOTE: LOTS 1-4 CAN BE DEVELOPED AT PRESENT.
 LOTS 5-8 REQUIRE ACQUISITION OF REMAINING
 PROPERTIES NOT OWNED BY G.F. REALTY CORP.

RESIDENTIAL REDEVELOPMENT EXHIBIT E-2



RESIDENTIAL REDEVELOPMENT EXHIBIT E-3

ORDINANCE #13-XX

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

RECORD OF VOTE

FIRST READING DATE:

COUNCIL	MOTION	VOTE
Algrant		
Forman		
Skurnick		
Cohen		
Hamer		

DATE PUBLISHED IN THE RECORD:

DATES PUBLIC HEARINGS HELD:

DATE SECOND READING HELD:

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

Y=YES N=OPPOSED A=ABSTAINED AB=ABSENT

PRESENTED TO MAYOR:

APPROVED _____

REJECTED _____ (VETO)

MAYOR FRANK HUTTLE III

I do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted and approved by the Mayor and Council of the City of Englewood.

Lauren P. Vande Vaarst, RMC
City Clerk

CITY OF ENGLEWOOD

RESOLUTION #XXX-02-26-13

2012 RESERVE BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward at the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the previous fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood 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 March 31, 2013 pursuant to and in accordance with provisions N.J.S.A. 40A:4-59, and according to the schedule attached hereto.

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

I do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Council of the City of Englewood.

Lauren P. Vande Vaarst, RMC
City Clerk
City of Englewood

CITY OF ENGLEWOOD

RESOLUTION #XXX-02-26-13

**RESCIND SHARED SERVICES AGREEMENT WITH THE
ENGLEWOOD PUBLIC SCHOOL DISTRICT
TO PROVIDE INFORMATION TECHNOLOGY SERVICES**

WHEREAS, on February 21, 2012, the City Council authorized the execution of a Shared Services Agreement with the Englewood Public School District to provide Information Technology Services from March 1, 2012 through July 31, 2015; and

WHEREAS, the City Manager is recommending that the aforementioned agreement be terminated early because the Englewood Public School District is unable to provide the essential Information Technology Services that the City of Englewood requires.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the resolution adopted by the City Council on February 21, 2012, authorizing the execution of a Shared Services Agreement with the Englewood Public School District to provide Information Technology Services from March 1, 2012 through July 31, 2015 is hereby rescinded effective February 27, 2013.

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

I do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Council of the City of Englewood.

Lauren P. Vande Vaarst, RMC
City Clerk
City of Englewood

CITY OF ENGLEWOOD

RESOLUTION #XXX-02-26-13

**AWARD PROFESSIONAL SERVICES CONTRACT TO
BUSINESS SYSTEMS UNLIMITED, INC.
TO PROVIDE INFORMATION TECHNOLOGY SERVICES**

WHEREAS, the City of Englewood requires a qualified computer systems analyst to provide Information Technology (IT) services which includes the provision of the following services:

- Desktop Configuration and Support Services
- Network Configuration and Connectivity Services
- Network and other Server Maintenance
- Back up and disaster recovery services
- User Help Desk Support

WHEREAS, on the recommendation of the City Manager, the City Council has determined, that based on upon their professional experience, expertise and reputation, to award a contract for such services to Business Systems Unlimited, Inc., 146 Van Nostrand Ave. Englewood, NJ 07631 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 that the value of this contract is not to exceed \$30,000 in the 2013 operating year for Information Technology (IT) services; and

WHEREAS, Business Systems Unlimited, Inc. 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.

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 Business Systems Unlimited, Inc. to provide Information Technology (IT) services as outlined above at a rate of \$125.00 per hour not to exceed \$30,000 in the 2013 operating year, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and Business Systems Unlimited, Inc. for the provision of Information Technology (IT) services;

BE IT FURTHER RESOLVED, that a copy of this resolution, together with a copy of the Agreement and 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>					
<i>Forman</i>					
<i>Skurnick</i>					
<i>Cohen</i>					
<i>Hamer</i>					

I do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Council of the City of Englewood.

Lauren P. Vande Vaarst, RMC
City Clerk
City of Englewood

CITY OF ENGLEWOOD

RESOLUTION #XXX-02-26-13

RESOLUTION FOR A ZERO 2013 MUNICIPAL BUDGET

WHEREAS, the City of Englewood has experienced a rapid rise in expenditures, and

WHEREAS, the City has experienced a concurrent rise in property taxes,

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Englewood, County of Bergen, hereby expresses its desire to finalize a municipal budget that will not result in an increase in the municipal purpose tax rate for the 2013 Budget year.

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

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City Clerk
City of Englewood

CITY OF ENGLEWOOD

RESOLUTION #XXX-02-26-13

**AWARD OF CONTRACT FOR APPRAISAL SERVICES
FOR NEW CONSTRUCTION AND
IMPROVEMENTS FOR ADDED ASSESSMENTS**

WHEREAS, the City of Englewood requires the services of a qualified persons and/or firms to provide Appraisal Services for New Construction and Improvements for Added Assessments for the 2013 tax year. Field Inspections, updating property record cards and the defense of Added Assessment Appeals at The Bergen County Board of Taxation are required; and

WHEREAS, the City issued a Request for Proposals for the Provision of Services – Appraisal Services for New Construction and Improvements; and

WHEREAS, on the recommendation of the City Manager and the City Tax Assessor, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to Realty Appraisal Co. with offices located at 4912 Bergenline Avenue, West New York, New Jersey 07093, 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 that the value of this contract will be \$21,000 in the 2013 operating year; 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, the Chief Financial Officer has certified that sufficient funds are available to award this contract.

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 Realty Appraisal Co. to provide Appraisal Services for New Construction and Improvements for Added Assessments for the 2013 tax year, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and Realty Appraisal Co.;

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.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>					
<i>Forman</i>					
<i>Skurnick</i>					
<i>Cohen</i>					
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City Clerk
City of Englewood

CITY OF ENGLEWOOD

RESOLUTION #XXX-02-26-13

**AWARD PROFESSIONAL SERVICES CONTRACT
FOR REAL ESTATE APPRAISER TO DEFEND
THE 2013 TAX APPEALS FILED WITH
THE BERGEN COUNTY BOARD OF TAXATION**

WHEREAS, the City of Englewood requires the services of a qualified Real Estate Appraiser to assist in defending the 2013 Tax Appeals filed with the Bergen County Board of Taxation; and

WHEREAS, on the recommendation of the City Manager and the City Tax Assessor, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to Realty Appraisal Co. with offices located at 4912 Bergenline Avenue, West New York, New Jersey 07093, 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 that the value of this contract will be at a rate of \$100.00 per hour, not to exceed \$10,000 in the 2013 operating year: 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, the Chief Financial Officer has certified that sufficient funds are available to award this contract.

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 Realty Appraisal Co to provide assistance in defending the 2013 Tax Appeals filed with the Bergen County Board of Taxation, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and Realty Appraisal Co;

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.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
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<i>Forman</i>					
<i>Skurnick</i>					
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City Clerk
City of Englewood

CITY OF ENGLEWOOD

RESOLUTION #XXX-02-26-13

**AUTHORIZE EXECUTION OF SETTLEMENT AGREEMENT
WITH CROSS CREEK HOME OWNERS ASSOCIATION, INC.**

WHEREAS, pursuant to New Jersey State Law, N.J.S.A. 40:67-23.1 et seq. municipalities are required to provide certain services to qualified private communities such as solid waste collection, leaf collection and recycling; and

WHEREAS, in lieu of providing such services, municipalities shall enter into an agreement to reimburse a qualified private community for such costs; and

WHEREAS, the City did not provide all services required under the aforesaid Statute and in lieu of same is seeking to reimburse the qualified private community.

BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the City Manager is hereby authorized to execute, and the City Clerk to attest, an agreement between the City of Englewood and Cross Creek Home Owners Association, Inc., for the calendar year 2013, not to exceed \$XX, XXX, a copy of which will be on file in the Office of the City Clerk and available for public inspection.

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

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Lauren P. Vande Vaarst, RMC
City Clerk
City of Englewood

CITY OF ENGLEWOOD

RESOLUTION #XXX-02-26-13

AUTHORIZE CONVEYANCE OF PUBLIC LAND

WHEREAS, the City Council of the City of Englewood adopted Ordinance #12-24 on October 16, 2012 after the appropriate public hearing and publications as required by law which pursuant to N.J.S.A. 40A:12-13(b)(5) authorizes a private sale of certain lands owned by a municipality where such lands are less than the minimum size required for development, and

WHEREAS, such sale opportunity is limited to the owners of property contiguous to the subject property, and

WHEREAS, the Governing Body has determined that Block 2408 Lot 16 also known as 102 Grand Avenue, Englewood, New Jersey meets the statutory criteria of N.J.S.A. 40A:12-13(b)(5), that said lands are not needed for public purposes, and

WHEREAS, one (1) written offer containing a bid for Block 2408 Lot 16 also known as 102 Grand Avenue, Englewood, New Jersey from a contiguous property owner was received by the City Clerk within the time period prescribed by law; and

WHEREAS, the successful bidders were Alza Corporation who submitted a bid for the purchase price of \$38,000 for the aforementioned property. Their purchase of the property is subject to a Deed of Conveyance containing the restrictions, terms and conditions as laid out in Ordinance #12-24 which was adopted by the City Council of the City of Englewood on October 16, 2012.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Englewood that the City Solicitor is hereby authorized to prepare a Deed of Conveyance for the subject property, and the City Manager and City Clerk are hereby authorized to execute and attest to the Deed of Conveyance between the City of Englewood and the Alza Corporation.

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

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Lauren P. Vande Vaarst, RMC
City Clerk
City of Englewood

CITY OF ENGLEWOOD

RESOLUTION #XXX-02-26-13

RESOLUTION OPPOSING ASSEMBLY BILL A-1196

WHEREAS, Public safety employees and volunteers should be adequately compensated for on-duty accidents and illnesses; and

WHEREAS, New Jersey's current Workers' Compensation law is already one of the broadest in the country; and

WHEREAS, A-1196, as currently drafted, will make it almost impossible to contest claims from injuries and illnesses caused off-the-job; and

WHEREAS, this bill places the burden of proof on governmental employers to establish that an injury or illness, such as cancer, heart attack or hyper tension did not occur on the job; and

WHEREAS, the actuary for the Municipal Excess Liability Joint Insurance Fund (MEL) has estimated that A-1196 could easily double municipal Workers' Compensation expense of \$400 million per year; and

WHEREAS, the MEL and the League of Municipalities have offered to sit down with the supporters of this legislation to develop less expensive ways of improving the compensation to first responders;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Englewood, County of Bergen, State of New Jersey urge the legislature to reject A-1196 and urges the supporters of this legislation to work with the MEL and the League of Municipalities to develop less expensive ways to improve compensation to first responders; and

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to send certified copies of this resolution to Senate President Sweeney, Assembly Speaker Oliver, District 37 Assembly representatives and Senator, Governor Christie and the League of Municipalities.

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