

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

**January 15, 2013 at 7:30pm**

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A Workshop Meeting of the Mayor and Council of the City of Englewood, Bergen County, New Jersey, was held in the Municipal Court in the Public Safety Building commencing at 7:30 P.M.

Roll Call: Present: Council member Marc Forman  
Council member Michael Cohen  
Council member Eugene Skurnick  
Council member Wayne Hamer  
Council member Lynne Algrant (7:55PM)  
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:

- Capital Bond Ordinance:
  - John T. Wright Ice Arena:
    - Tim Dacey, City Manager provided an overview of the Ice Arena and the damage caused by Hurricane Sandy. Mr. Dacey explained that the Joint Insurance Fund (JIF) will not be paying out insurance claims until June, so the Council needs to bond for the work to be done and once the claims are received from FEMA and Insurance then that money will pay down the Bond. Mr. Dacey said that we should get back between \$500,000 to \$600,000 total from both.
    - Councilman Skurnick asked how much money do we expect to get back from the JIF? Ken Albert, City Engineer said that we should have the estimate in 2 weeks and a firm dollar amount in a month.
    - Councilman Skurnick said the original estimate for the roof repair after Sandy was \$900,000, why is it lower now. Mr. Albert said that on further inspection the roof deck was found to be salvageable.
    - Mayor Huttle asked how the JIF works and if we should use a separate Insurance Adjuster, and is the roof covered by both FEMA and the JIF? Mr. Albert explained that in his experience that it was not necessary to use a separate Adjuster and the JIF (Traveler's Insurance is handling the Englewood claim) will cover replacement value. The City will get 75% of the funds upfront and the remaining 25% after work is completed. FEMA will cover any shortfall.
    - Mr. Dacey explained that the City Hall Basement Flood claim of \$190,000 is being processed through the JIF.
    - Mr. Dacey reviewed the itemized list of work to be done on the Ice Arena
    - Councilman Cohen asked if any of the items on the list besides the roof are storm related, and if not was their condition bad before the storm? Mr. Dacey said they were bad before the storm and their condition has been exacerbated by the storm.
    - Larry Tippner was introduced and explained his role as a consultant for the Boy & Girls Club, and that he was currently being paid by the City to assist with the repairs and bidding for replacement equipment for the Ice Arena. Councilman Skurnick asked for a clarification of Mr. Tippner's role.
    - Councilman Hamer asked for a clarification of what the Boys & Girls Club is responsible to pay for.
    - Councilman Skurnick does not feel that we should be replacing anything else at the Ice Arena. Just repair the roof and open as is.
    - Mayor Huttle suggested that they see if the scoreboard can be replaced through Insurance because it is located where the roof came off and it received water damage.
    - Councilman Cohen asked if we can look for a used scoreboard. Mr. Tippner said that he will source a used scoreboard after he gets the go ahead from the Council.
    - Larry Tippner spoke about the changes in the skate storage area and that they propose changes in the 12' x 12' space so they can accommodate racks to hold 400 pairs of skates. This can be done by Mr. Tippner's people and will cost less. The kitchen area will be kept simple but he does want to add a lockable pass through so the snack bar can be used for the pool in the summer.
    - Mayor Huttle spoke about the Boys & Girls Club being a nonprofit and the money they make will go back into the program to support it and staffing costs. Nonprofit can ask for a capital improvement to be made but the City does not have to do it, but if a facility is unusable then the nonprofit can get out of the lease.
    - Councilman Cohen does not feel that a snack bar is necessary to operate the Ice Arena. Asked where else The Boys & Girls Club profits can be put into he would like any profits to go back into Englewood for

- programs and the snack bar.
        - Mayor Huttle would like Bill Bailey to put together a memo summarizing the key business points in the lease with the Boys & Girls Club. He explained that where the profits go is dictated by the lease.
        - Councilman Skurnick asked who will be the day-to-day person at the arena from the Boys & Girls Club. Sid Morgan will be Facilities Manager and as well as Skating Coach. Mr. Skurnick then went on to ask how the Ice Arena was ready to open until Hurricane Sandy hit and now there are all these new items that must be taken care of. He feels that only the roof replacement is critical. Wants to minimize the front end investment and see how things go next season, and do investments in increments.
        - Larry Tippner explained that he had recommended Sid Morgan because of his knowledge and experience.
        - Mayor Huttle explained the policy decision is whether the Council wants to make any or all capital investments in the Ice Arena.
        - Councilwoman Algrant asked Ron Amorino, CFO what the ancillary costs involved in bonding ( it was explained that it is more effective to bond as a whole rather than in separate). Will the Bond be reimbursed with JIF and FEMA money once it is received (yes it will be).
        - Mr. Dacey explained that he along with Larry Tippner and Ken Albert, City Engineer feel that the repairs do need to be done in order to run a safe, efficient and attractive facility. They are proposing what needs to be done without bells and whistles.
        - Councilman Forman feels that the Council should pause and ask why we should put a roof on a facility if we are not willing to pay for and run the facility properly.
        - Councilman Hamer agrees with Councilman Forman. He is not averse to spending the money but he wants to spend it wisely. He was not a member of the Council when the decision was made.
        - Mayor Huttle explained that this was all discussed with the public and the decision to keep the facility running was not made in a vacuum.
        - Councilwoman Algrant spoke about the prior lease agreement and the lack of upkeep and maintenance at the Ice Arena. The City was handed back a decrepit facility. Councilwoman Algrant has said on numerous occasions that we either commit to the facility or tear that sucker down. The City tried to give it away for \$1 per year and we could not find anyone. Must vote on the 29<sup>th</sup> and either invest in the facility or not. It is \$1.6 million amortized over 30 years of neglect.
        - Councilman Cohen asked if we could sell the property after the money has been put into it (no, it was paid for with Green Acre Funding from the State and cannot be sold). He is tired of discussing the same issues over and over again and not bringing them to a resolution. Will the arena bring people into downtown and have an economic impact.
        - Mayor Huttle clarified that testimony was taken and the issue was discussed.
        - Councilman Cohen asked what has changed in the past six months.
        - Mayor Huttle said that the storm damaged the roof and the facility is currently vacant. The Threshold question is whether the Council wants to change their mind and not reopen the facility.
        - Councilman Skurnick is concerned that hockey teams will not return. He is prepared to support Item #1 which is the roof repair and would like to revisit all the other items that need to be done.
        - Councilman Cohen gets the feeling that no one wants to tear down the arena, and we should drill down on what items are needed.
        - Councilman Hamer is okay with the Ice Arena and then vision of what will be. What items can be phased in so we can get off the ground on this.
        - Mr. Dacey said that is a fair question and wants all of the City Council members to see the building before the January 29<sup>th</sup> meeting. He does not think that we can safely open without most of these repairs.
        - Shane Sudol of the Boys & Girls Club stated in October that they need avenues of revenue in order to maximize money to support year round programs. The vision for the Boys & Girls Club of Englewood is to provide programs and activities for the kids.
  - Overpeck Creek Channel Wall Rehabilitation Project:
    - Ken Albert explained that this project encompasses the Overpeck Creek channel walls from Englewood Avenue to the bridge. The City has received grants of \$550,000 to date and should be getting another \$250,000. The total cost of the project is \$2.8 million dollars and only \$2 million dollars will be bonded. The bonding needs to be done now so we have to spend the money in 2013 and it has to be started as soon as possible. The DEP permits are to be finalized in Trenton this week.
    - Councilman Skurnick now understands why this has to be done before the Capital Budget is completed.
    - Mr. Dacey explained that the money for the permits was put into the 2012 Capital Budget.
    - Mayor Huttle supports this but is concerned about doing the bonding before the Capital Budget.
    - Mr. Dacey said that we will keep the overall Capital Budget down this year because of big projects such as Ice Arena, Overpeck Creek and Firehouse.
    - Councilwoman Algrant said that we knew this expense was coming and without the \$550,000 in hand we knew the project would be \$2 million dollars. We have to do this.
    - Mayor Huttle wants the Capital Budget done first so that the Council can make an informed decision.
- Vacant Property/Foreclosure Registry Program:
  - Tim Dacey explained the current time consuming and lengthy process of trying to track down owners of vacant/foreclosed properties when a property maintenance issue arises. The Vacant Registry.com system is available online and requires all vacant/foreclosed properties to be registered, pay a registration fee, and provide a local property manager with full contact information to the City. The registration fee is \$150 and that would be split 50/50 between the City and Vacant Registry.com.
  - Councilwoman Algrant asked that the ordinance be written retroactive so both current and future properties would

have to be registered. Mr. Bailey agreed to include that in the ordinance if it is not already there.

#### Resolutions:

- Mayor Huttle said that the following Professional Appointments will be on the January 29<sup>th</sup> Agenda:
  - Appoint Municipal Labor Counsel
  - Authorizing Appointment of Assistant City Solicitor (Prosecutor)
  - Authorizing Appointment of Assistant Prosecutor
  - Authorizing Appointment of Public Defender
  - Authorizing Appointment of Code Enforcement Attorney
  - Appoint Real Estate Appraiser
  - Appointment of Professional Risk Manager
  - Appoint Arborist
- The Mayor requested that the Council get their recommendations for appointments to Board and Committee to the City Clerk as soon as possible.

#### Items for Discussion:

- Mayor Huttle presented updates on:
  - Master Plan- the revision of the Master Plan is wrapping up at the Planning Board level.
  - Lincoln School- The professionals have been working on the RFP for the Lincoln School and getting ready to present it to the Planning Board for their review and then it will be sent to the Council for review.
  - Liberty School- Mayor asked that the Council put on their thinking caps for ideas on how to utilize this building.
- 2013 Budget Process- Mayor Huttle announced that the City Manager will be presenting his budget to the Mayor and Council at the January 29<sup>th</sup> meeting.

#### Public Session:

- Sandy Greenberg 449 Liberty Road:
  - Impressed with the thoroughness in which the City is handling the Ice Arena. She is concerned with the costs and would like to save money.
  - Spoke about a Mr. McCracken who had presented an alternate way to make ice back when the Ice Arena was first constructed.
  - Asked if Mayor and Council know how their appointments to Boards and Committees are functioning.
- Sheila Figueroa Humphrey Street:
  - Handed out a photo of Jerusalem with bible passages and asked the Mayor and Council to use them as an inspiration when governing Englewood.

RESOLUTION #030-01-15-13

#### **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 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: 10:40 PM**

Motion: Algrant  
All in Favor

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Lauren Vande Vaarst, RMC  
City Clerk