

City of Englewood
City Council Meeting Minutes
January 29, 2013

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 (7:50PM)
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.

Mayor Huttle requested a Moment of Silence in memory of the young Englewood mother and child whose tragic deaths were discovered today.

RESOLUTION #031-01-29-13

RESOLUTION ACCEPTING MINUTES

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

COUNCIL REORGANIZATION MEETING
January 8, 2013

COUNCIL WORKSHOP SESSION
January 15, 2013

CLOSED SESSION
January 15, 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 #032-01-29-13

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 \$6,510,375.86.

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

Communications from the Mayor/Council Members:

- Mayor Huttle announced a Town Hall Meeting to be held at the Community Baptist Church on Monday, February 11, 2013 at 7:00PM. Meeting will focus on the Ice Arena and programs for Englewood's children.

Presentation of the Budget by the City Manager:

Tim Dacey, City Manager reviewed his Budget Memo for the Mayor and Council:

- Proposed 2013 budget total \$59,955,510 which is \$155,313.89 more than in 2012 (increase of .65%) and will increase taxes on an average home valued at \$458,500 by \$31.29 per year, or \$2.60 per month. The budget falls well below the state mandated levy cap of 2% and the appropriations cap of 2 ½ %.
- Recommendation for the 2013 budget:
 - Share a Health Officer with another municipality.
 - Eliminate Downtown Manager position, and figure out who will run the summer jobs program which will stay in the budget.
 - Automate parking garage.
 - Joint Dispatch service with Police and Fire Department to begin July 1st.
 - Left salary (\$146,000) of suspended Police officer in the budget and recommends sending 3 new recruits to the June Police Academy class. Overtime is very high due to vacancies, sick-time, workers compensation cases, and extended sick -time for work related illnesses. New officers could cost about \$42,000 per year.
 - A 2-year phase in of the automated garbage trucks to begin this Fall. In order to facilitate leaf pick up Mr. Dacey is recommending the reduction of trash collection to one day per week from October 15 to December 27, 2013.
 - The YWCA operates Tryon Pool this season. Mayor and Council need to further discuss what they "envision" for recreation programs at Liberty School.
 - The Library budget should be increased by 1.5% for 2013, and they should also consider sharing a Library Director with another municipality.
 - Cancel the IT contract with the Board of Education and replace it with a contract for a consultant because the Board no longer responds to our requests and no longer gives the City any IT support.
- Budget Highlights:
 - Putting aside \$250,000 for tax appeals.
 - That \$200,000 is put into terminal pay, which can be used if needed or move forward into 2014 for an expected retirement.
 - Reserve for uncollected taxes is being reduced to \$1 million from \$3.2 million. The City will hold an accelerated tax sale for 2012 this summer and one for 2013 later this year. Should be able to reduce this more in the 2014 budget.
 - \$780,000 in revenue from the Route 4 Special Assessment as been included in the budget. There is \$500,000 in escrow, as required by the lawsuit, but the City can use this additional revenue this year.
 - The \$40,000 donation to the EVAC has been eliminated because they began billing in 2012 and will utilize that revenue stream.
 - Expects to end 2012 with a healthy surplus and will be using \$2.5 million for the 2013 budget. Reduced from the \$3.3 million used in 2012 as per the Council's request.
 - Court fees were \$121,819 less than what was budgeted for in 2012 so the expected revenue for 2013 was reduced.
 - Parking revenues were \$68,114 more than what was budgeted for in 2012 so the expected revenue for 2013 was increased.
 - Parking deck revenue for 2012 was \$306,111 versus the \$120,000 that was budgeted due to Benzel Busch's construction and rental of parking spaces. Put \$95,000 back in for 2013, which should be on the low side of what we hope to collect.
 - Overall recreation revenues were \$97,778 which is down from the \$137,500 that was budgeted. Down in almost every line and this is troublesome.
 - State Aid numbers will not be released until February 27th, so State Aid was kept the same as 2012.
 - Insurance was budgeted with a 7% increase on health insurance, 8% for other insurances (liability, property, etc.) and 9% for workman's compensation.
 - Pension costs have declined for 2013.
 - Based upon a strong 2012 performance, one or both of the emergency appropriations due to Hurricane Sandy and the flooding may be canceled. Council will be advised of this in February or March.
- Revised State Budget deadlines:
 - Budget transmittal to Council February 1, 2013
 - Municipal Introduction March 15, 2013
 - Budget Adoption April 26, 2013

- Mayor & Council comments:
 - Mayor reviewed budget deadline dates and spoke about budget process. Would like the Council to forward their availability to the City Clerk so the meetings can be scheduled.
 - Councilman Hamer asked if the Mayor would like availability for Budget meetings for March as well as February. The Mayor agreed that was a good idea.
 - Mayor Huttle has requested that the City Clerk take copious notes for the Budget meetings so the Council does not revisit every issue from meeting to meeting as has happened in the past. The Clerk handed out calendars for the Mayor and Council to mark their availability on.
 - Councilman Skurnick said that a lot of budget information is missing that had been received in the past. He would find it difficult to comment on the budgets of the Police and Fire departments without this information.
 - Mr. Dacey asked that everyone should take a look at the budget they were just handed and send him an email stating what they information they want and he will get it to them in the weekly packet before that department's budget meeting. Especially for some of the larger departments it would be good to receive the information in advance in order to keep the budget process moving.
 - Councilman Skurnick agreed and said that he would get his requests to the City Manager.
 - Mayor Huttle asked Bill Bailey to review the OPRA law in respect to emails.
 - Mr. Bailey explained that OPRA is extending towards covering emails between council members and that they may be required to be disclosed under OPRA, especially if it is distributed to the council as a whole.
 - Mayor Huttle just asked that the Council keeps the budget process moving forward and please reach out to the City Manager if they need additional information.

- Comments from the City Manager:

ORDINANCE #13-01

- Councilman Hamer made a motion to table Ordinance #13-01 because he would like to hear the Mayor's vision at a workshop meeting and include all of the recreation solutions and Mackay Park.
- Councilman Skurnick seconded that motion.
- Mayor will allow discussion of Ordinance #13-01 upon the recommendation of Mr. Bailey.
- Mayor and Council comments:
 - Councilman Cohen takes a lot of the comments to heart but is tired of pushing this off and should not open this up to all aspects of the Recreation Department. Looks like the death knell of the Ice Arena and he is not ready to do that. Feels that only the Ice Arena should be discussed and not other items throughout the City.
 - Councilwoman Algrant stated that a large chunk of the Ordinance is for the Overpeck Creek Channel Wall Replacement project and this should not be delayed.
 - Councilman Skurnick glad that Councilwoman Algrant mentioned the Overpeck Creek project and that there should have been two (2) Bond Ordinances and not coupled together into one. Residents of the 3rd and 4th Wards understand the trick being played and that their needs are not being met. Ordinance should be separated and require separate votes. Ice Arena bond was put in unchanged and unmodified without the opportunity to amend it. Should not hold up the Overpeck Creek project because of skate racks, snack bars, sound systems and hot dog carts.
 - Councilman Forman appreciates what Councilman Skurnick is saying and feels that at this point it is best to separate these two bonds.
 - Mayor Huttle likens this to the movie "Fifty First Dates" and that the group has no collective memory from one meeting to another. Spoke about his previous attempts to move forward on the ice arena and all of the public meetings that have been held and the desire to turn it into a year round facility to provide activities for the City's children. There are decaying facilities throughout the City and it is time to do the improvements so people will want to move into a City that shines.
 - Mr. Dacey spoke about discussions at previous workshop meetings regarding the need to time the work properly at the ice arena. With the assistance of Larry, Ken and Paul he was able to provide the Mayor and Council with all the information that they requested on the ice arena after Hurricane Sandy.
 - Mayor Huttle spoke about the yeoman work done by the Council, Boys & Girls Club and the Fire Department before the storm hit in order to get the ice arena open and running. It would be a mistake not to do something tonight
 - Councilman Cohen asked about amending an ordinance after introduction.
 - Bill Bailey explained that at the February 12th Workshop if the Council wants to amend the ordinance that was introduced tonight they can vote to reintroduce the amended ordinance and wait the 10 days for the public hearing, which would be on Feb. 26th. The State Statutes do not provide a threshold for the definition of what a "material changes" is.
 - Councilman Cohen stated that the ice arena is an important part of City and he is committed to keeping it open but not happy with all the items (i.e. snack bar).
 - Councilman Forman thinks that there is a large consensus of the Council, including the Council President that we want to keep the ice arena. There is also a large consensus to bond the roof. He thinks that there is even a consensus to make some of the improvements but not everything. Basically because of affordability, does not think that the City can afford to make all of the improvements shown to us and we should have a line by line conversation as Councilman Cohen said.

- o Councilman Cohen said that we should introduce tonight in order to stay on the timeline and then review the list of items for the ice arena line by line.
- o Councilman Skurnick does not want to comment because too many things are being said; the fact is that the City Engineer brought the ice arena back to the Council because of the roof. We should get the FEMA and insurance reimbursement and get the roof done before the summer. There is no immediacy to anything else on the list. We were just handed the Budget and have not even looked at the Capital Budget yet. Wants to strip out all the numbers related to the ice arena completely and just pass the Overpeck Creek part of the bond because there is urgency to that.
- o Mr. Dacey explained that Local Public Contracts Law does not allow a municipality to bid out work if the funds have not been authorized. Projects can come in less expensive and we are not required to spend all the money.
- o Mayor Huttel spoke about donations, dasher boards, Phil Vogel offering to repair the scoreboard and Benzel Busch securing a donation to pay for 5coaches for the ice arena. If the Council tables this vote then it will not move forward. As Mayor he does not want to be embarrassed when he meets with donors and then the City Council stymies it. Let's get the process started and have a true public-private partnership.
- o Councilman Cohen said that the motion to table this decision is irresponsible, and we need to move forward. We can have a line by line review of the bond ordinance. Voting to introduce does not force us to vote yes on the ultimate passage nor to spend all this money.
- o Mayor Huttel we will wind this up and call for a vote. No real concerns on this and it are important that we hear from the people.
- o Councilman Forman will be voting yes to introduce , but wants to amend the amount to be spent on the ice arena.

Motion was made by Wayne Hamer to table Ordinance #13-01, seconded by Eugene Skurnick:

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

Motion was defeated

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 \$4,100,000 THEREFOR, INCLUDING \$800,000 EXPECTED TO BE RECEIVED AS GRANTS, AND AUTHORIZING THE ISSUANCE OF \$3,135,000 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 \$4,100,000, including \$800,000 expected to be received as grants, and including the aggregate sum of \$165,000 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 \$3,135,000 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 therefore, 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 therefore and incidental thereto:

Improvement or Purpose		Appropriation & Estimated Cost	Maximum Amount of Bonds or Notes	Useful Life
1.	Repair of Wright Arena	\$1,200,000	\$1,140,000	15
2.	Overpeck Creek Channel Wall Replacement	2,900,000	1,995,000	15
TOTAL		\$4,100,000	\$3,135,000	

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 \$3,135,000. 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.

RECORD OF VOTE

FIRST READING DATE: January 29, 2013

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

ORDINANCE #13-02

AN ORDINANCE OF THE CITY OF ENGLEWOOD, STATE OF NEW JERSEY RELATING TO MORTGAGED REAL PROPERTY; AMENDING THE CITY CODE OF THE CITY OF ENGLEWOOD, TO INCLUDE "REAL PROPERTY MORTGAGE REGISTRATION"; PROVIDING PURPOSE, INTENT, DEFINITIONS, AND APPLICABILITY, REQUIRING MORTGAGE REGISTRATION RELATING TO REAL PROPERTY MORTGAGES IN DEFAULT; PROVIDING FOR THE FORM OF REGISTRATION; REQUIRING MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES, PROVIDING SECURITY REQUIREMENTS; PROHIBITING OBSTRUCTION OF CODE ENFORCEMENT OFFICERS; PROVIDING FOR IMMUNITY OF

CODE ENFORCEMENT OFFICERS; PROVIDING FOR ADDITIONAL MAINTENANCE AND SECURITY REQUIREMENTS; PROVIDING SUPPLEMENTAL AUTHORITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

WHEREAS, the mortgage foreclosure crisis has serious negative implications for all communities trying to manage the resulting vacant properties, increases in crime, homelessness, and other problems that stem from family financial crisis; and

WHEREAS, the City of Englewood has determined local codes must be adopted to mitigate the negative impact of foreclosures; and

WHEREAS, vacant foreclosed homes quickly become nuisances, grass and weeds grow, swimming pools become stagnant, public health hazards, landscaping either dies or grows out of control, windows are broken, and exteriors suffer damage from normal wear-and-tear and vandalism, thus resulting in loss of property value on neighboring residences then on neighborhoods, and ultimately the entire community; and

WHEREAS, property maintenance codes to regulate community standards for the interior and exterior condition of structures have been adopted; and

WHEREAS, registration requires the personal contact information of the owner or other responsible party who may be personally liable for any violation of codes when such person is or was the person owning or managing, controlling, or acting as agent in regard to buildings or premises; and

WHEREAS, most mortgages contain clauses allowing mortgagees to enter onto the mortgaged property and prevent waste, damage and correct or abate nuisances; and

WHEREAS, in the absence of the owner of the property, it is appropriate for the City of Englewood to expect and demand, the mortgagee exercise their powers and be responsible to inspect and maintain the mortgaged property if it is abandoned or vacant while the owner is default on the mortgage; and

WHEREAS, the City of Englewood finds that neighborhoods should be protected from becoming blighted through the lack of adequate maintenance and security of abandoned and vacant properties subject to mortgages that are in default; and

WHEREAS, the City of Englewood finds that the mortgagee's registration of abandoned and vacant real property, or property subject to a mortgage which is in default, will establish a contact person for the City of Englewood to address concerns regarding the maintenance and security of the property; and

WHEREAS, the City of Englewood finds that it is in the public interest to address safety and aesthetic concerns and the economic order of the City of Englewood to assure that property subject to a mortgage in default or foreclosure will continue to be maintained and secured and that blight will not occur.

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ENGLEWOOD, THAT:

SECTION 1. The above recitals are true and correct and by this reference are incorporated herein and made an integral part hereof.

SECTION 2. The City Code of the City of Englewood is hereby amended to include "Mortgaged Real Property Registration" to read as follows:

MORTGAGED REAL PROPERTY REGISTRATION

1. Purpose and intent: It is the purpose and intent of this chapter to establish a process to mitigate the amount of deteriorating property located within the City of Englewood, for which is in default and vacant, for which a public notice of default has been filed regardless of occupancy, is in foreclosure, or where ownership has been transferred to lender or mortgagee by any legal method. It is further intended to establish a registration program as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance of abandoned and vacated properties subject to a mortgage or properties subject to mortgages that are in default.

2. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning. Where the context will permit and no definitions are provided herein, the definitions provided in the State of New Jersey Building Code shall apply.

Abandoned real property means any real property that is vacant and/or is under a current notice of default, notice of mortgagee's sale, pending tax assessor's lien sale and/or properties that have been the subject of a foreclosure sale where title is retained by the beneficiary of a mortgage involved in the foreclosure, and any properties transferred under a deed-in-lieu of foreclosure sale, a short sale or any other legal means.

Accessible property means a property that is accessible through a compromised/breached gate, fence, wall, etc.

Accessible structure means a structure/building that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

Default means mortgagee declares said mortgage to be in default either in writing, by recording a lis pendens, or by its actions, or commences foreclosure proceedings.

Enforcement officer means any fulltime law enforcement officer, building official, fire inspector or code enforcement officer employed by, contracted for, or servicing the City of Englewood.

Evidence of vacancy means any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions may include, but not be limited to, overgrown and/or dead vegetation, electricity, water or other utilities turned off, stagnant swimming pool, statements by neighbors, passers-by, delivery agents or government agents, among other evidence.

Foreclosure means the judicial process by which a property, placed as security for a mortgage loan, after a judicial process, is to be sold at an auction to satisfy a debt upon which the borrower has defaulted.

Local Property Manager means an individual property manager, property management company, property maintenance company or similar entity located within Bergen County, designated by the owner or mortgagee which is responsible for the maintenance of abandoned real property.

Public property means canals, all waterways, lands and improvements owned by governmental body or any governmental agency including but not limited to easements and rights-of-way, but excluding the campus of any institution of the state university system.

Residential building means any improved real property, or portion thereof, situated in the city, designed or permitted to be used for dwelling purposes, and shall include the buildings and structures located on such improved real property.

Vacant means any building or structure that is not lawfully occupied or inhabited by human beings.

3. Applicability. This ordinance relates to abandoned and vacant property and to property subject to a mortgage that has been determined by the mortgagee to be in default. This chapter shall be considered cumulative and is not superseding or subject to any other law or provision for same, but shall rather be an additional remedy available to the city above and beyond any other state, county and/or local provisions for same. This ordinance shall apply retroactively with an effective date of January 1, 2012.

4. Penalties. Any person who shall violate the provisions of this chapter shall, upon conviction be subject to the penalties and provisions of Chapter 317, Article XIII, sections 317-79 through 317-81. In addition, any violation of this section may be enforced by the City Code Official.

5. Registration of real property mortgagee holding mortgages in default.

(a) Any mortgagee who holds a mortgage on real property located within the City of Englewood shall perform an inspection of the property that is the security for the mortgage, upon default by the mortgagor, or issuance of a notice of default. If the property is found to be vacant or shows evidence of vacancy, it shall be deemed abandoned and the mortgagee shall, within ten (10) days of the inspection, register the property with the Code Compliance Official, designee, or other authorized representative, on forms provided by the City of Englewood. A registration is required for each vacant property.

(b) If the property is occupied but remains in default, it shall be inspected by the mortgagee or his designee monthly until (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within (10) days of that inspection, register the property with the Code Compliance Official, his/her designee, or City authorized representative, electronically via the City or other designated website or on forms provided by the City of Englewood.

(c) Within ten (10) days of the date the mortgagee declares its mortgage to be in default through public notice or recordation, the mortgagee shall register the real property with the City or its designee and, at the time of registration, shall designate in writing a local property manager to inspect, maintain and secure the real property subject to the mortgage in default.

(d) *Registration.* Registration pursuant to this section shall contain at a minimum the name of the mortgagee and servicer along with the corresponding mailing addresses of both mortgagee/servicer, e-mail addresses, and telephone numbers and name of the local property manager and said person's address, e-mail address, and telephone number. The local property manager shall be responsible to inspect, secure and maintain the property. The property manager named in the registration shall be located within Bergen County and available to be contacted Monday through Friday between 9:00 a.m. and 5:00 p.m., holidays and lunch hours excepted. If the subject of the registration is investor or bank owned, the registration shall contain at the minimum the name of the owner, the mailing address of the owner, email address, and telephone number, asset manager along with the property manager.

(e) An annual registration fee to be determined by resolution or administrative order, per property shall accompany the registration or a modification of registration. There is no fee for modifying contact information if the organizational information remains the same and within the one (1) year of the last registration payment. The City of Englewood may assign and delegate the collection of such fee to an independent contractor, as noted on the registration form.

(f) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to a beneficiary of a mortgage involved in the foreclosure and any properties transferred to the mortgagee under a deed in lieu of foreclosure/sale.

(g) Any person or other legal entity that has registered a property under this ordinance must report any change of information contained in the registration within ten (10) days of the change.

(h) Properties subject to this section shall remain under the annual registration requirement, inspection, security, and maintenance standards of this section as long as they remain vacant or subject to having been declared by a mortgagee to be in default.

(i) Failure of the mortgagee and/or property owner of record to properly register or to revise from time to time the registration to reflect a change of circumstances as required by this ordinance is a violation of the codes of the City of Englewood and may result in a citation by the code compliance division. Pursuant to a finding and determination by the Code Official that any property is in violation of City ordinances, the City of Englewood may take the necessary action to ensure compliance with its ordinance and place a lien/s on the property for the cost of the work performed to benefit the property and to bring it into compliance, which lien may be **assigned** to either the entity that performs the work or arranges to have the work performed.

(j) At such time that the property becomes abandoned the mortgagee shall submit a No Trespass Affidavit with the Code Official and/or assignee.

6. Maintenance requirements.

(a) Properties subject to this ordinance shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, or any other items that give the appearance that the property is abandoned or not being properly maintained. Weeds, overgrown brush or dead vegetation over the height limitations imposed by the City of Englewood's Codes are prohibited.

(b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure. Yards shall be landscaped and maintained pursuant to the standards set forth in the code. Landscaping shall include, but not be limited to, grass, ground cover, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential, commercial or industrial installation, as applicable. Landscaping shall not include weeds, gravel, broken concrete, asphalt or similar material.

(c) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required landscape and removal of all trimmings and weeds.

(d) Pools and spas shall be kept in working order so that pool and spa water remains free and clear of pollutants and debris. Pools and spas shall comply with the enclosure requirements of the City of Englewood Codes and the State of New Jersey Building Code.

(e) Failure of the mortgagee and/or property owner of record to properly maintain the property is a violation of the code of ordinances of the City of Englewood and may result in the issuance of a citation by the code compliance division. Pursuant to a finding and determination by the Code Official may take the necessary action to ensure compliance with its ordinances and place a lien/s on the property and assign it as provided herein.

7. Security requirements.

(a) Properties subject to this ordinance shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

(b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child or adult to access the interior of the property and/or structure. Broken windows shall be secured by reglazing or boarding.

(c) If a mortgage on the property is in default on the property and has become vacant or abandoned, a local property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the code of ordinances and the local property manager must perform weekly inspections to verify compliance with the requirements of this section, and any other applicable laws or ordinances of the City of Englewood.

(d) When the property becomes vacant or abandoned, it shall be posted with the name and twenty four (24) hour contact telephone number of the local property manager. The posting shall be no less than 18 inches x 24 inches, and shall be of a font that is legible from a distance of 45 feet. The posting shall contain the following language: **THIS PROPERTY IS MANAGED BY (Name**

of Local Property Manager). TO REPORT PROBLEMS OR CONCERNS CALL (Telephone number of Local Property Manager).

(e) The posting shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posing in a location that is at all times visual from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.

(f) The local property manager shall inspect the property on a bi-weekly basis to ensure that the property is in compliance with this section. Upon the request of the City of Englewood, or its authorized representative, the local property manager shall provide a copy of the inspection reports to the Code Compliance Division.

(g) Failure of the mortgagee and/or property owner of record to properly inspect and secure the property, and post and maintain the signage noted in this section, is a violation of this ordinance and shall result in the issuance of a Notice of Violation by a code compliance officer. Pursuant to a finding and determination by the City of Englewood or its designee, may take the necessary action to ensure compliance with this section, and place a lien/s on the property and assign it as provided herein.

10. Additional authority.

The Code Compliance Official, designee, or other authorized representative shall have authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all door, window or other openings, employment of an on-site security guard, or other measures as may be reasonably required to help prevent further decline of the property.

12. Supplemental Provisions.

Nothing contained in this ordinance shall prohibit City of Englewood from enforcing its codes by any other means, including, but not limited to, injunction, abatement or as otherwise provided by code.

SECTION 3. Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior City Ordinance, Resolution, or municipal Code provision, then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 4: Should any section, paragraph, sentence, clause, or phase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 5: This Ordinance shall take effect upon passage and publication as required by law.

RECORD OF VOTE

FIRST READING DATE: January 29, 2013

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

Public Comment on Agenda Items:

No one from the Public came forward to speak.

RESOLUTION #033-01-29-13

APPOINT MUNICIPAL LABOR COUNSEL

WHEREAS, the City of Englewood requires the services of professional labor counsel for the 2013 operating year; and

WHEREAS, on the recommendation of the City Manager, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to Genova, Burns & Giantomasi, with offices at 494 Broad Street, Newark, New Jersey 07102, 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 exceed \$17,500 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 Genova, Burns & Giantomasi to provide professional labor counsel services, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and Genova, Burns & Giantomasi

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>		X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Hamer</i>	X	X			

RESOLUTION #034-01-29-13

AUTHORIZING APPOINTMENT OF ASSISTANT CITY SOLICITOR (PROSECUTOR)

BE IT RESOLVED, by the City Council of the City of Englewood, Bergen County, State of New Jersey; that the following appointment, pursuant to P.L. 2004 c. 19, is confirmed commencing January 1, 2013 through December 31, 2013 and the City Manager is hereby authorized to execute the appropriate appointment letter:

Assistant City Solicitor (Prosecutor) Gerald Oratio

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 #035-01-29-13

AUTHORIZING APPOINTMENT OF ASSISTANT PROSECUTOR

BE IT RESOLVED, by the City Council of the City of Englewood, Bergen County, State of New Jersey; that the following appointment, pursuant to P.L. 2004 c. 19, is confirmed commencing January 1, 2013 through December 31, 2013 and the City Manager is hereby authorized to execute the appropriate appointment letter:

Assistant Prosecutor Elsbeth J. Crusius

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 #036-01-29-13

AUTHORIZING APPOINTMENT OF PUBLIC DEFENDER

BE IT RESOLVED, by the City Council of the City of Englewood, Bergen County, State of New Jersey; that the following appointment, pursuant to P.L. 2004 c. 19, is confirmed commencing January 1, 2013 through December 31, 2013 and the City Manager is hereby authorized to execute the appropriate appointment letter:

Public Defender

Aishaah Rasul

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 #037-01-29-13

AUTHORIZING APPOINTMENT OF CODE ENFORCEMENT ATTORNEY

BE IT RESOLVED, by the City Council of the City of Englewood, Bergen County, State of New Jersey; that the following appointment, pursuant to P.L. 2004 c. 19, is confirmed commencing January 1, 2013 through December 31, 2013 and the City Manager is hereby authorized to execute the appropriate appointment letter:

Code Enforcement Attorney

Carl Beckwith

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 #038-01-29-13

APPOINT REAL ESTATE APPRAISER

WHEREAS, the City of Englewood requires the services of professional real estate appraisal services for tax appeals and related matters during the 2013 operating year; and

WHEREAS, on the recommendation of the City Manager, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to McNerney & Associates with offices at 266 Harristown Road, Glen Rock, New Jersey 07452, 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 exceed \$17,500 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 McNerney & Associates to provide professional real estate appraisal services, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and McNerney & Associates for a period of one year beginning January 1, 2013 and ending December 31, 2013.

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

RESOLUTION #039-01-29-13

APPOINTMENT OF PROFESSIONAL RISK MANAGER

WHEREAS, the City of Englewood is a member of the Garden State Municipal Joint Insurance Fund (“GSMJIF”) which requires that each member municipality retain the services of a professional risk manager; and

WHEREAS, on the recommendation of the City Manager, the City Council has determined, based on professional experience, expertise, and reputation, to award a contract for such services to Brown & Brown Metro., Inc., Box 678, Florham Park, N.J. 07932, 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:11-l et seq.) authorizes the execution of such professional services contracts without competitive bidding; and

WHEREAS, compensation under this contract shall be in the amount of 7% of the City’s annual assessment as promulgated by the GSMJIF; and

WHEREAS, the value of this contract will exceed \$17,500, and the contractor has filed a Business Entity Disclosure Certification and a Business registration Certificate with the City;

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, New Jersey, that Brown & Brown Metro, Inc. is hereby appointed as risk manager for the City of Englewood and that the City Manager is hereby authorized to execute and the City Clerk attest to an agreement between the City of Englewood and Brown & Brown Metro, Inc. setting forth the duties required for a one year period beginning January 1, 2013 and ending December 31, 2013; and

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to cause a notice to be published once in the official newspaper The Record stating the nature, duration, service and amount of the contract and that the resolution and contract are on file and are available for public inspection in the Office of the City Clerk.

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 #040-01-29-13

APPOINTING CITY ARBORIST

WHEREAS, the City of Englewood requires the services of a certified Arborist whose duties will include conducting the Hazard-Health Assessment of the City’s trees as well as other services required to be performed by an Arborist; and

WHEREAS, on the recommendation of the Director of Public Works, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to Paul Cowie & Associates, with offices at 11 N. Beverwyck Road, Lake Hiawatha, New Jersey 07034-2518 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 not exceed \$17,500 in the 2013 operating year: 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 Paul Cowie & Associates to provide professional arborist services, and the City Manager is hereby authorized to execute and attest to an agreement between the City of Englewood and Paul Cowie & Associates.

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

RESOLUTION #041-01-29-12

APPOINT BOARD OF HEALTH MEMBERS

BE IT RESOLVED, by the City Council of the City of Englewood, Bergen County, State of New Jersey; that the following appointment is confirmed to the Board of Health for the following term:

Lisa Levien, 81 E. Hamilton Avenue, be reappointed as a member to a three-year term commencing January 1, 2013 and expiring December 31, 2015.

Lisa Wisotsky, 237 Hutchinson Road, be reappointed as a member to a three-year term commencing January 1, 2013 and expiring December 31, 2015.

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 #042-01-29-13

APPOINT HISTORIC PRESERVATION ADVISORY COMMITTEE MEMBERS

BE IT RESOLVED, by the City Council of the City of Englewood, Bergen County, State of New Jersey; that the following appointments are confirmed to the Historic Preservation Advisory Committee for the following terms:

David Maron, 237 W. Hudson Avenue, be reappointed as a Class A member to a four-year term commencing January 1, 2013 and expiring December 31, 2016.

Barbara de Mare, 334 Windsor Road, reappointed as a Class B member to a four-year term commencing January 1, 2013 and expiring December 31, 2016.

Thomas Monroe, 178 Liberty Road, #4, be appointed as a Class C, Alternate #1 member to a two- year term commencing January 1, 2013 and expiring December 31, 2014.

Eva Ponerros, 287 Oakwood Road, be appointed as a Class C, Alternate #2 member to a two- year term commencing January 1, 2013 and expiring December 31, 2014.

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 #043-01-29-13

APPOINT HOUSING AUTHORITY MEMBER

BE IT RESOLVED, by the City Council of the City of Englewood, Bergen County, State of New Jersey; that the following appointment is confirmed to the Englewood Housing Authority for the following term:

Ira Dermansky, 300 Katherine Street, be appointed as a member to a five- year term commencing January 1, 2013 and expiring December 31, 2017.

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 #044-01-29-13

APPOINT RECREATION ADVISORY COMMITTEE MEMBERS

BE IT RESOLVED, by the City Council of the City of Englewood, Bergen County, State of New Jersey; that the following appointments are confirmed to the Recreation Advisory Committee for the following terms:

Jeffrey Richardson, 312 Central Avenue, be reappointed as a member to a three-year term commencing January 1, 2013 and expiring December 31, 2015.

Steve Klose, 220 Liberty Road, be reappointed as a member to a three-year term commencing January 1, 2013 and expiring December 31, 2015.

Ronda Drakeford, 265 W. Hudson Avenue, be appointed as a member to fulfill an unexpired three-year term commencing January 1, 2013 and expiring December 31, 2013.

Marc Forman, 275 Engle Street, appointed as City Council Liaison to a one-year term commencing January 1, 2013 and expiring December 31, 2013.

Marc Forman, 275 Engle Street, appointed as City Council Liaison to a one-year term commencing January 1, 2013 and expiring December 31, 2013.

Appointing Jeffrey Richardson, 312 Central Avenue, to serve as Chairman of the Recreation Advisory Committee commencing January 1, 2013 and expiring December 31, 2013.

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		

Mayor and Council comments on Resolution #044-01-29-13:

- Councilman Skurnick spoke about placing Ronda Drakeford on the Recreation Advisory Committee and her success with the Football program.

RESOLUTION #045-01-29-13

APPOINT TRAFFIC ADVISORY COMMITTEE MEMBERS

BE IT RESOLVED, by the City Council of the City of Englewood, Bergen County, State of New Jersey; that the following appointments are confirmed to the Traffic Advisory Committee for the following terms:

David Litvin, 90 Tracy Place, be reappointed as a member to a three-year term commencing January 1, 2013 and expiring December 31, 2015.

Fernando Rosario, 186 Liberty Road, be reappointed as a member to a three-year term commencing January 1, 2013 and

expiring December 31, 2015.

Charles Cobb, 113 Marilyn Court, be appointed as a member to a three-year term commencing January 1, 2013 and expiring December 31, 2015.

Craig Solomon, 163 Rockwood Place, be appointed as a member to a three-year term commencing January 1, 2013 and expiring December 31, 2015.

Michael Cohen, 181 Madison Avenue, appointed as City Council Liaison to a one-year term commencing January 1, 2013 and expiring December 31, 2013.

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			

RESOLUTION #046-01-29-13

**APPOINT COUNCIL LIAISON TO THE
ENGLEWOOD ECONOMIC DEVELOPMENT CORPORATION (EEDC)**

BE IT RESOLVED, by the City Council of the City of Englewood, Bergen County, State of New Jersey; that the following appointment is confirmed to the Englewood Economic Development Corporation (EEDC) for the following term:

Lynne Algrant, 435 Lyncrest Road, appointed as City Council Liaison to a one-year term commencing January 1, 2013 and expiring December 31, 2013.

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			

Mayor and Council comments on Resolution #046-01-29-13:

- Councilman Skurnick put his name forth and that all of the other council members are on committees but not him. He has the most experience in regard to economic development and since nothing has been done for the last 5-6 years he feels that he would be the appropriate person to serve as liaison.
- Mayor Huttel commented that the EEDC has been revitalized and is going to be doing a lot more.

Public Session:

- **Phil Vogel 318 Marlboro Road:**
 - Spoke about the single man garbage trucks in the Budget and that they will not work on his street due to lack of clearance with overhead utility lines. Street sweeper came last week and due to a lack of a schedule was only able to clean the middle of the road due to cars parked on both sides.
 - Said that the Ice House in Hackensack has three rinks and only one has bleachers- parents do not sit during games.
 - Read his statement regarding the Ice Arena:
Before I begin, let me make one thing crystal clear: I want this rink to succeed. I doubt that there is anyone in this room or on this planet who wants that more than I do. But I do want to remind you of a few things:
 - A few years ago, the big concern was that we could not lease the rink for longer than five years. With such a short lease, it was feared that there would be no incentive for anyone to perform any capital improvements. At that time, I brought at least three different groups of people to the attention of the City, each of which was prepared to negotiate to handle the improvements necessary and to provide the kind of programming that we all agreed would be appropriate for the rink and Englewood's kids.
 - The council (both under current and prior leadership) refused to hear these proposals. At one point, I was told, in no uncertain term that "now is not the time."
 - When I brought the not-profit "loophole" to the Council's attention, the idea was that with the availability of a long-term lease (as long as 50 years at the outset), we should be able to attract an operator that would pay for the improvements out of its operating income AND provide programming tailored to Englewood's needs. More than one of the proposals submitted promised just that. This was also discussed with the administration and

some of the council members well before the RFP process (which was NOT required by any State or Federal law) had begun.

- o Discussions were held during which it was made quite clear, by people expert in the field, that it was financially feasible and that there were people prepared to make the necessary investments of time, energy and capital to bring the rink up to speed, performing as it was intended. Our group continued to participate in the planning of the RFP and, with no expectation of personal gain, in helping the successful bidder to plan their operation, to help the engineering company to develop plans for the refrigeration and plumbing overhaul and, contrary to what you heard at the last meeting, to negotiate the procurement of a replacement Zamboni.
It was only after it was made quite clear by the current lessee that our services were no longer required, appreciated or welcome that we backed off. To hear the current operator speak of the need for automated monitoring and controls for the ice-making system because the "one person that could fix this refrigeration system" is no longer here, you might want to ask him what his involvement was in ensuring that that person is "no longer here."
- o I won't waste my time or yours picking away at each element of the currently proposed bond, but I want to take this opportunity to put on the official record something that I have expressed many, many times to the mayor and more than one council member. I am a skilled and experienced electrical engineering guy, and I will, if you permit, provide services and materials at no cost to the city or the operator to make whatever repairs or improvements are necessary to the scoreboard and sound system, both of which were working at the close of last year's skating season. In my thirty five years in the field, I've designed, built, installed and repaired systems far more complex than these. I eat this stuff for lunch. I will continue to provide this service until I'm too old to climb the ladder to the scoreboard.
- o One other thing that I would like to address is that I have heard, several times, the skating season being described as "November through March." In fact, while the high-school season begins in mid-November, the rest of the youth leagues begin in mid-September, and the rink must be ready to use by then.
- o As well-intentioned as they may have been, the actions of the Mayor and Council on this matter have taken the ice rink from a profit center for the City to a major tax liability. In light of the fact that the rink was ready to open, warts and all, in just a couple of days after the storm hit, I strongly recommend that we stop the bleeding and bond only the money to repair the roof.
- o The other things, while desirable, are not at all necessary to a successful opening. As I have recommended several times over the years, it would seem a good idea to run with what we have for a year or two and take that time to figure out what works and what doesn't and what improvements are needed and what aren't. These decisions should be made with the advice and consent of the Joint Advisory Board as provided for in the lease.
- o The Joint Advisory Board was, according to the contract, to have been formed as soon as possible after the contract date of October 25, 2012. It's now three months later and there is no Board, nor has there been any discussion of forming one.
- o If any of you care to discuss any of this further, you all know how to reach me. I have plenty more, but for the moment I'll leave it here. Thank you.

- **Norman Gorlyn 150 Madison Avenue:**

- o Asked if the State Statutes cover a vacant property registry as described in Ordinance #13-02. *Mr. Bailey explained that they do not.*
- o In Ordinance #13-01 section 8, he feels that this should be a Special Assessment charged only to the eleven (11) homes that would be impacted. *Mayor Huttie feels that it should be considered a City-wide improvement.*

- **Suzanne Patzold 312 W. Palisade Avenue:**

- o Spoke about DPW and the proposed automated garbage trucks. Trees and wires are low hanging on Palisade Avenue and may get in the way, also concerned that the trucks will not be able to get close enough to the curb to reach the garbage cans because of parked cars.

- **Sandy Greenberg 449 Liberty Road:**

- o Shocked by the thought of Englewood sharing a Health Officer with another town.
- o Wants people on James Street informed when an ordinance comes before the Council.
- o Spoke about configuration of homes to be constructed on James Street and the reduction in the size of the lots.

RESOLUTION #047-01-29-13

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:

Contract Negotiations and Personnel

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

- () Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law.

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

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

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

<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: 10:15 PM

Motion: Huttle
All in Favor

Lauren Vande Vaarst, RMC
City Clerk