

City of Englewood
City Council Work Shop
Meeting Minutes

February 12, 2013 at 7:30pm

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

Roll Call: Present: Council member Marc Forman
Council member Michael Cohen
Council member Eugene Skurnick
Council member Wayne Hamer
Council member Lynne Algrant
Mayor/Council President Frank Huttle III
City 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.

Items for Discussion:

- Boys and Girls Club of Englewood:
 - Mayor Huttle read a prepared statement regarding the February 11th Town Hall Meeting:
 - Up to the Council to decide whether or not to do all, some or none of the repairs to the Ice Arena.
 - Council can reduce the amount to be spent but they should make sure that the facility is cleaned up and operational.
 - Conditions included in the lease agreement with the Boys and Girls Club include; ice time for the kids during school hours, additional ice time for Englewood residents, afterschool ice time hours between 3pm to 6pm, programs for ice and year round activities, fifteen (15) member advisory board to develop programs, and all net income from ice operations must go to Englewood youth programs.
 - Council comments:
 - Councilwoman Algrant spoke about community and the need to work together to provide afterschool programming for the children of Englewood. Tearing down the ice arena would be a loss of revenue that would be used to support these programs. Part of the process to start a Boys and Girls Club is to partner with existing nearby club.
 - Councilman Forman discussed reducing the amount to be spent on repairs at the ice arena from \$460,000 to \$300,000 because of the economy and the other capital projects that need to be done throughout the City.
 - Councilman Skurnick stated that at last night's Town Hall meeting he heard the people of the 3rd and 4th Wards say that they do not want an external group to be involved in the recreation and education of Englewood's children. Feels that capital improvements to the ice arena should be placed on the back of the long term lessee. Accused the City of blackmail by coupling the bond ordinances together.
 - Councilman Cohen spoke about facts being misrepresented. He discussed the large number of Englewood kids participating in the hockey program on Sunday mornings. For 30 years the entity that ran the ice arena showed an annual profit of \$100,000. This money should have been reinvested in the ice arena facility and in programs for Englewood's kids. Only 3 groups responded to the RFP, of which only the Boys and Girls Club of Garfield is a nonprofit with a national reputation. The real question is what we want at the ice arena.
 - Councilman Hamer would like to get to the business on the agenda. Last night's Town Hall meeting reinforced his beliefs.

Ordinances:

- Bond Ordinance #13-01:
 - Overpeck Creek Channel Wall Replacement Project:
 - Mayor Huttle explained that he started the push to get funding from the Federal government and the County for this much needed project 3 ½ years ago. This project will cost \$2.9 million dollars less a \$550,000 grant received in 2012 from the County, and another \$250,000 County grant anticipated for 2013, final cost will be \$2.1 million dollars. Stipulation of the County that we must spend the \$550,000 within 18 months. Project needed to be shovel ready and it is, as all DEP permits have been applied for and received and plans are ready, funds were provided in the 2012 Capital Budget.

- Scope of the Project is the replacement of the Overpeck creek channel walls from Englewood Avenue to the City's southern border. There are 11 private homes that are affected and experiencing erosion of their properties.
- Councilman Hamer stated that this project has his full support.
- Councilman Skurnick gave credit to the Mayor, Mr. Dacey and Mr. Albert for their efforts in securing funds in order to make this project happen. Wants to separate this project from the ice arena in the bond ordinance.
- Councilman Skurnick made a Motion to separate the Bond Ordinance with just a single item in Ordinance #13-01, which should be Overpeck Creek. This Motion was seconded by Councilman Hamer.

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

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 \$2,900,000 THEREFOR, INCLUDING \$800,000 EXPECTED TO BE RECEIVED AS GRANTS, AND INCLUDING THE AGGREGATE SUM OF \$105,000 AS THE DOWN PAYMENT FOR THE IMPROVEMENT OR PURPOSES AND AUTHORIZING THE ISSUANCE OF \$1,995,000 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 improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Englewood, New Jersey, as a general improvement. For the improvement or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for the improvement or purposes, such sums amounting in the aggregate to \$2,900,000 including \$800,000 expected to be received as grants, and including the aggregate sum of \$105,000 as the down payment for the improvement or purposes. The down payment is 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 \$1,995,000 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 improvement hereby authorized and the several purposes for which the bonds are to be issued, the estimated costs of the improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for the improvement and the period of usefulness of the 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
Overpeck Creek Channel Wall Replacement	\$2,900,000	\$1,995,000	15

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 \$1,995,000. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$250,000 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.

FIRST READING DATE: February 12, 2013

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

- Bond Ordinance #13-03:
 - John T. Wright Ice Arena Project:
 - Councilwoman Algrant made a Motion to introduce Ordinance #13-03 which would bond for repairs and/or replacement of equipment at the John T. Wright Ice Arena. This Motion was seconded by Councilman Forman.
 - Mayor and Council comments:
 - Councilman Skurnick thanked Mr. Dacey and Mr. Albert for all of their work in getting the extra money from the JIF and insurance company. Commented that he did not receive any information about the change in costs of the project and wants wasteful spending cut out and only the roof should be fixed. Feels the operator should invest money in the building as Councilman Cohen said.
 - Councilman Cohen clarified his comments that he believes the operator should invest in programs not capital investments in the building. We need to determine what really needs to be done and what does not. He does not want to close the ice arena.
 - Councilman Hamer wants to discuss what is on the list is absolutely needed to operate the ice arena and what is not.
 - Councilman Skurnick wants to know where Councilman Forman's numbers to reduce the costs from \$460,000 to \$300,000. He questioned if secret meetings were held that he was not privy to.
 - Councilman Forman stated that he agreed at the last workshop meeting to go line by line for each of the items in order to reduce costs. He ran through his numbers and also suggested that smaller bleachers would be a better choice. Mr. Albert commented that smaller bleachers would be fine and ones can be purchased that can be added to in the future if necessary. Councilman Hamer asked if bleachers could be repaired rather than replacement, but Mr. Albert said that it would cost \$15,000 to \$20,000 and the end result of repairing aluminum bleachers will not be good. Mr. Albert added that the bleachers are not compliant with ADA or the 1999 Bleacher

Safety Act. Councilman Skurnick said bleachers are not needed and have been virtually unused for 25 years, and we should leave the current ones alone. Councilman Cohen asked Mr. Bailey if the City would be liable for the bleachers because they are not compliant and Mr. Bailey responded in the affirmative.

- Mayor Huttle confirmed that the roof replacement was reduced to \$570,000 from \$720,000.
- Councilman Skurnick wants a Resolution requiring that the Insurance and FEMA money are used to pay back the bond. Mr. Dacey said that he and the CFO have stated at numerous public meetings that is precisely what will happen with the money once it is received and what are you accusing us of.
- Mayor Huttle then proceeded to run through all of the line items discussing original cost and proposed reduced cost.
- Councilwoman Algrant amended her original Motion reducing the amount of the bond and associated costs to reflect the reduction in the line items in the table below. Motion was seconded by Councilman Forman.

Item#	Description	Original Amount	Revised Amount
1	Roof Replacement	\$720,000	\$570,000
2	Steel Painting	\$34,000	\$34,000
3	Netting around Perimeter	\$55,693	\$55,693 (less \$30,000 Insurance reimbursement)
4	Flooring- Materials Installation	\$28,388	\$28,388
5	Bleacher Replacement	\$53,350	\$33,350
6	Refrigeration System Improvements	\$70,000	\$50,000
7	Dasher Board Replacement	\$70,000	\$70,000
8	Protective Netting around the Rink	\$12,760	\$12,760
9	Scoreboard Replacement	\$12,602	\$0 (Donation-Phil Vogel)
10	Sound System Replacement	\$25,925	\$0 (Donation-Phil Vogel)
11	Skate Storage Rack	\$12,650	\$12,650
12	Snack Bar, Kitchen Equipment	\$45,100	\$15,000

ORDINANCE #13-03

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL PROJECTS OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$904,350 THEREFOR ALONG WITH INSURANCE PROCEEDS OF \$230,000, AND INCLUDING \$34,000 AS THE DOWN PAYMENT FOR THE IMPROVEMENT OR PURPOSE AND AUTHORIZING THE ISSUANCE OF \$640,350 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 improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Englewood, New Jersey, as a general improvement. For the improvement or purpose described in Section 3, they are hereby appropriated the sum of money therein stated as the appropriation made for the improvement or purpose, such sums amounting in the aggregate to \$904,350, along with insurance proceeds of \$230,000, and including the \$34,000 as the down payment for the improvement or purpose. The down payment is 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 \$640,350 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 improvement hereby authorized and the purpose for which the bonds are to be issued, the estimated cost of the 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	\$904,350	\$640,350	15

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 improvement or purpose described in Section 3 of this bond ordinance is not current expenses. It is improvement or purpose that the City may lawfully undertake as a general improvement, 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 \$640,350. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 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.

FIRST READING DATE: February 12, 2013

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

- James Street Ordinance:
 - Bill Bailey reviewed the draft ordinance and the Resolution recommending its approval by the Planning Board.
 - Councilman Hamer asked if the Council will get a copy of the Redevelopment Agreement to review. Mr. Bailey explained that the Ordinance cannot be adopted without an agreed upon Redevelopment Agreement. The Ordinance is "Exhibit B" of the Redevelopment Agreement.
 - Councilman Skurnick said that the Ordinance is fine but he wants input into the Redevelopment Agreement. Mr. Bailey said that he will prepare and distribute a confidential memo regarding the Redevelopment Agreement before it is discussed in Closed Session.

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 Percent Tax Rate Increase in the 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:

- Phil Vogel 318 Marlboro Road:
 - Spoke about hockey in Harlem and other groups that have come before the Council in the past and that they did not apply because they did not feel welcomed.
 - Clarified that he has offered to refurbish/repair the Scoreboard and Sound System but not replace them.
 - Wants to know why the hockey program cannot go forward without a kitchen, new floors etc.
 - Asked if the new netting will be permeable enough to permit a significant wind load.
 - Stated that \$70,000 for refrigeration system controls is too much money. The documentation for the cooling system was disposed of by the DPW.

- Sandy Greenberg 449 Liberty Road:
 - Glad that the Redevelopment Agreement is due before the Ordinance is adopted. Asked a question about the signatories on the document be handled for properties not yet purchased by GLF Realty.
 - Spoke about the previous night's meeting about the ice arena and that she does not want to see air conditioning installed in the arena.

ADJOURN: 10:50 PM

Motion: Cohen
All in Favor

Lauren Vande Vaarst, RMC
City Clerk