

City of Englewood
City Council Meeting Minutes
February 26, 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
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.

RESOLUTION #048-02-26-13

RESOLUTION ACCEPTING MINUTES

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

COUNCIL MEETING
January 29, 2013

COUNCIL BUDGET MEETING
February 6, 2013
February 20, 2013

COUNCIL WORKSHOP SESSION
February 12, 2013

CLOSED SESSION
January 29, 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			

Comments on Resolution #049-02-26-13:

Councilman Hamer amended his Motion, was seconded by Councilman Skurnick, to change "made accusations of " to "questioned if" on page 3 on the Minutes of February 12, 2013 as requested by Councilman Skurnick.

RESOLUTION #049-02-26-13

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 \$5,481,527.60.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</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 reviewed Robert's Rules of Order and guidelines of meetings. Bill Bailey spoke on Robert's Rules of Order and that their purpose is to provide organization for meetings so that they run in a logical manner.

Comments from the City Manager:

- Visited the Vincente K. Tibbs Center yesterday. They recently had a State Inspection and are asking the City for help with maintenance projects.
- Board of Health has made recommendation for the Budget and they will be included before the Budget is introduced on March 12, 2013.
- Will present resolutions to the Council in March to cancel the two Emergency Appropriations Resolutions from the Flooding and Hurricane Sandy. They will be covered as regular expenditures in 2013.
- Mr. Dacey and Ron Amorino are finishing the financials and will be sending them to the auditors for their review, they will then be sent to the Mayor and Council before the Budget is introduced on March 12, 2013.
- Will be presenting a plan for the Eleanor Harvey Estate and the improvements will be paid for from the estate.
- Purchased and received 10 Automatic External Defibrillators (AED), 5 will go to the sports team for use at the fields and the remaining 5 will go to City buildings; City Hall, Court, DPW, McKay Pool, etc. EHMS and Josh Hartman, EMT will be providing training for City employees and coaches.
- A peaceful march has been organized for Saturday, March 9th at 2:30PM from 276 W. Palisade Avenue to the American Legion Hall on Forest Avenue.
- EVAC would like to come to a future Council Meeting to present their new EMTs to the Mayor and Council.

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

DATE PUBLISHED IN THE RECORD: February 15, 2013

DATES PUBLIC HEARINGS HELD: February 26, 2013

DATE SECOND READING HELD: February 26, 2013

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant		Y		Y		Y

Forman		Y		Y		Y
Skurnick		Y		Y		Y
Cohen		Y		Y		Y
Hamer	X	Y	X	Y	X	Y

Public Hearing on Ordinance #13-01:

- Norman Gorlyn 150 Madison Avenue:
 - Asked if work will begin before the grant money has been received. *Mr. Dacey explained that the grant money has already been received and must be spent by October of this year.*
 - Inquired if the affected property owners have been notified that this work is taking place and that their property values will go up. He feels that only the affected property owners should pay for this through a special assessment.

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 MORTGAGEE 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

DATE PUBLISHED IN THE RECORD: February 1, 2013

DATES PUBLIC HEARINGS HELD: February 26, 2013

DATE SECOND READING HELD: February 26, 2013

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

Public Hearing on Ordinance #13-02:

- Curtis Caviness 41 E. Forest Avenue:
 - Understands why the City is doing this but wants to know who the City would be contacting in order to get things done on these vacant properties. *Mr. Dacey explained the current process and how the new process would work.*

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

DATE PUBLISHED IN THE RECORD: February 15, 2013

DATES PUBLIC HEARINGS HELD: February 26, 2013

DATE SECOND READING HELD: February 26, 2013

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

Public Hearing on Ordinance #13-03:

- Phil Vogel 318 Marlboro Road:
 - Read a prepared a statement. Wants the ice arena opened as soon as possible and if the Garfield Boys and Girls Club is not willing to run it then the City should bring in a group that is. Feels that an all or nothing approach to the ice arena is not appropriate and very expensive, just wants roof repaired.
 - Stated that \$3 million dollars is already included in capital equipment project projection.
 - Spoke about Englewood youth hockey program.
 - He will be donating his services to repair the sound system and scoreboard at the ice arena.
- Angelique Phillips 303 Marlboro Road:
 - Spoke about her son and his love for hockey which he became acquainted with at the ice arena. Wants the roof repaired and the ice arena reopened.
 - Happy about the ice time being provided in the contract with the Garfield Boys & Girls Club for the EPSD's children and Englewood families.

- Prices for classes are going up and classes are not offered at appropriate times in regard to religious observances and practices.
 - Rebutted the letter published in the Record by the President of the Board of the Garfield Boys & Girls Club. Spoke about afterschool activities and recreation programs already being offered in Englewood.
- Anita Newkirk Tryon Avenue:
 - Wants the governing body to vote “no” on this ordinance and wants the ice arena brought back to pre-storm conditions.
 - Wants funding to go back into Tryon Pool so it can be opened 7 days per week at a fair price.
- Leen Ann Mosley 115 W. Hudson Avenue:
 - Wants City Council to unite the City and utilize already running volunteer programs within the City.
 - Spoke about the Garfield Boys & Girls and the YWCA.
 - Wants \$1 million dollar bond used to serve the most people (Liberty School as a Recreation Center) and not for the ice arena
- Bruce Prince 120 Jones Road:
 - Stated his support of the ice arena and the bond ordinance.
 - Keeps hearing that only a certain number of children use the ice arena and that is not so.
 - Ice arena makes the City special and should be kept up.
- Ann Dermansky 330 Katherine Street:
 - Takes offense to the Chair shutting down the public.
- Evelyn Silas 62 DuBois:
 - Feels bullied by the Mayor and Council.
 - Does not feel that all of this money should be spent in the ice arena. Asked how the ice arena got so run down and that it must have taken years.
 - Does not remember being informed of changes being made to Mackay Park.
 - Would like the roof repaired but not necessarily everything else.
- Alva Jones 87 DuBois :
 - Wants Mayor and Council to vote “no” on this bond ordinance.
 - Asked if it would cost extra money to convert the ice arena so it could be used for roller skating as well.
 - Stated that most users of the ice arena come from out of town.
 - Asked if Englewood’s kids can be allowed to skate for free.
 - Feels that the ice arena is really for the Caucasians and not for the African Americans.
- Norman Gorlyn 150 Madison Avenue:
 - Asked Bill Bailey about where insurance funds will be applied to. *Mr. Dacey responded that they will back into the bond. Mr. Bailey explained Bond Law.*
 - Stated that he does not have faith in the Mayor and Council nor the Administration to put the insurance money back into the bond. Wants a corrected ordinance written and reintroduced that states in writing that the insurance money will go back into the bond.
 - Inquired if money generated by ice time rental fees can be used to pay for debt service on the bond.
- Lucy Walker 363 Washington Place:
 - Spoke in opposition to the bond ordinance. Stated that she thought 3 items were removed from the bond ordinance; netting, snack bar and skate rack.
 - Asked what the snack bar consisted of prior to Hurricane Sandy. *Mr. Dacey explained that the previous operator took all of decent equipment and left the City the junk.*
 - Sees nothing on the list of items regarding renovation of the bathrooms at the arena and they are disgusting.
- Curtis Caviness 41 E. Forest Avenue:
 - Bathrooms at the ice arena need to be addressed.
 - City needs to be brought together.
 - The numbers presented are neither good nor finically prudent.
 - How do we know that the insurance money will be put back into the bond?
- Michael Passow 296 Central Avenue:
 - Spoke about the Library.
 - Not in support of the ice arena and would like the Mayor and Council to vote “no” on the Bond Ordinance.
 - Agrees that the bathroom needs to be renovated.
- Sandy Greenberg 449 Liberty Road:
 - Not in support of the ice arena and would like the Mayor and Council to vote “no” on the Bond Ordinance.
 - Does not understand why the roof cannot be fixed and the ice arena reopened.
 - Upset with people saying that the ice arena should be torn down because it is not used by all of the kids in Englewood.

- Jerry Chambers 294 Garden Street:
 - Commented that the ice arena is only utilized by 15% of Englewood residents and the community should not put money into it.
 - Money should go into a facility that will help all of the children in the 4th Ward.
 - The ice arena should be used for more than just ice skating and should be a facility that would have an impact on the kids in the community.
- Elle Kelly 350 Shepard Avenue:
 - Spoke about the Mayor's Town Hall meeting that was held two weeks ago.
 - Would support a building that is used year round and for all kinds of activities. He does not see this reflected in the cost of the bond ordinance.
- Maglye Matos 307 Rosemont Place:
 - Confused by the capital budget for the ice arena.
 - Stated that as a 4th Ward resident she is supportive of programs and facilities for our children. She does like the Boys & Girls Club of Garfield but wants to see more programming from them.
 - Commented that at the Master Plan meetings the issue of programs for the kids was a very big topic of discussion. She feels that the majority of the people do not want the ice arena. Feels that a decision has to be made, but more outreach to the 4th Ward needs to happen. Asked is programs would have to be limited to the ice arena or could Liberty School be used as well.
- Laura Vogel 318 Marlboro Road:
 - Spoke about the prior operation of the ice arena and that the City should manage the ice arena directly.
 - Wants only the roof of the ice arena repaired.
- Phil Vogel 318 Marlboro Road:
 - Commented that people keep talking about how the ice arena does not serve the kids of the 4th Ward, but it can serve these kids. The ice arena is not the worst place in the world as people are making it out to be.
 - Asked what programs the Boys & Girls Club of Garfield cannot run in the ice arena if it is not fully fixed up.
 - Spoke about the formation of the Advisory Committee as required by the lease agreement.
- John Babb 213 Second Street:
 - Concerned with an overlap of groups providing programs and the lack of a comprehensive plan. Where does the Recreation Department fit into this?
 - Would like the ice arena fixed up.
 - Asked about year round use of the facility and the lack of flooring to cover the ice so the surface can be more fully utilized.
- Deiadre Helm 318 W. Ivy Lane:
 - Spoke in favor of fixing the roof and reopening the ice arena without using any taxpayer money. Even if only 15% of residents use the ice arena it does not matter because it is not a drain on taxpayer dollars.
 - Asked if the ice arena will reopen if the bond ordinance is not approved.
 - Stated that she has three (3) kids, lives in Englewood, and is African American and all of her children ice skate.

Mayor and Council Comments Ordinance #13-03:

- Councilman Skurnick made a Motion to amend Ordinance #13-03 to include only the following three (3) specific items in the bond and nothing else. Seconded by Councilman Hamer.
 - Repair and Reconstruction of Roof \$570,000
 - Painting of the Steel \$ 34,000
 - Perimeter Netting \$ 55,820
 - Total Cost \$659,820
- Bill Bailey clarified that if this motion passes then the Bond Ordinance would have to be advertised again with a new Public Hearing Date and vote.
- Councilman Skurnick appreciates all the input from the public and has heard people say that they want the roof of the ice arena repaired and for it to be reopened.
- Tim Dacey clarified that the insurance money can be used for anything and if we start the bond ordinance process again then we cannot bid the work until mid April and the facility may not open in September.
- Councilman Cohen commented that we may lose the hockey teams to other ice arenas.

Vote on Motion to amend Ordinance #13-03:

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

- Councilman Forman then made a Motion to adopt Ordinance #13-03 as written. Seconded by Councilman Cohen.
- Councilman Skurnick stated that he will be voting “No”.
- Councilwoman Algrant commented that she has always been supportive of the ice arena and feels that it is an asset for the City, she will be voting “Yes”.
- Councilman Forman feels that we are quibbling over \$300,000 and the ice arena needs a facelift, he will be voting “Yes”.
- Councilman Cohen discussed that he is bothered by the comments of “it is not for our kids or our community” and is not sure who people are speaking about because his Ward loves the ice arena. The City as a whole should provide programs for everyone and the programs should be supported by the whole City. He will be voting “Yes”.
- Councilman Hamer read a statement; he came to his decision by listening to his colleagues and to the public. He will be voting “No”.
 - Feels that there is a vision but that it needs to be more comprehensive.
 - We need to look at all the resources that the City has and see what needs to be done.
 - Need to sit down and work with everyone to determine what needs to be done.
- Mayor Huttle would like to have a meeting in the future with the 4th Ward to discuss recreational programs.

Public Comment on Agenda Items:

- Howard Bersch 2 Mallard Court:
 - Resident and member of the Board at Crosse Creek.
 - Spoke about Resolution #056, asked if the Mayor and Council received the letter from the Board.
 - The \$84,000 listed in the resolution is about \$50,000 short of the \$130,000 paid by the City in 2012.
 - Requesting a revised resolution and contract for \$130,000. *Mr. Bailey explained that the City has not received copies of the utility bills and suggested that the Council pull this resolution.*
- Doron Brouard 5 Fox Run Drive:
 - Upset that Cross Creek has not gotten anything in writing. *Mr. Bailey explained that nothing can be issued in writing until a resolution authorizing the agreement is adopted by the City Council. Councilman Cohen explained that the resolution is the “letter of intent”.*
 - Remarkd that “certain services” are not defined in the Resolution (#056).

RESOLUTION #050-02-26-13

2012 RESERVE BUDGET TRANSFERS

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the Chief Financial Officer is hereby authorized to make transfers from Current Fund Budget Accounts for the year 2012 where a deficit would possibly occur on or before March 31, 2013 pursuant to and in accordance with provisions N.J.S.A. 40A:4-59, and according to the schedule attached hereto.

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

2012 RESERVE BUDGET TRANSFERS

Date: 3/2013

Period: 3 (SUBJECT TO CHANGE, i.e. LEGAL)

	Description	Debit (From) Amount	Credit (To) Amount
	Insurance	100,000.00	
	Roads-O/E	20,000.00	
	Building & Grounds-O/E		60,000.00
	Central Maintenance Garage-O/E		60,000.00
		120,000.00	120,000.00

RESOLUTION #051-02-26-13

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

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

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

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

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

Mayor and Council Comments Resolution #051-02-26-13:

Councilman Skurnick feels that the City should have sat down and discussed the situation with the EPSD in order to work things out.

RESOLUTION #052-02-26-13

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

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

- Desktop Configuration and Support Services
- Network Configuration and Connectivity Services
- Network and other Server Maintenance

- Back up and disaster recovery services
- User Help Desk Support

WHEREAS, on the recommendation of the City Manager, the City Council has determined, that based on upon their professional experience, expertise and reputation, to award a contract for such services to Business Systems Unlimited, Inc., 146 Van Nostrand Ave. Englewood, NJ 07631 pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 1 1-1 et. seq.) authorizes the award of such professional services contracts without competitive bidding; and

WHEREAS, the City Manager has determined that the value of this contract is not to exceed \$30,000 in the 2013 operating year for Information Technology (IT) services; and

WHEREAS, Business Systems Unlimited, Inc. will complete and submit a Business Entity Disclosure Certification and a Political Contribution Disclosure Form certifying that the firm has not made or will make any reportable contributions that would bar the award of this contract under the provisions of N.J.S.A. 19:44A-1 et seq. and City of Englewood Ordinance No. 07-31; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to Business Systems Unlimited, Inc. to provide Information Technology (IT) services as outlined above at a rate of \$125.00 per hour not to exceed \$30,000 in the 2013 operating year, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and Business Systems Unlimited, Inc. for the provision of Information Technology (IT) services;

BE IT FURTHER RESOLVED, that a copy of this resolution, together with a copy of the Agreement and the Business Disclosure Entity Certification and the Determination of Value, be on file in the Office of the City Clerk and be available for public inspection during regular business hours; and

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

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

RESOLUTION #053-02-26-13

**RESOLUTION FOR A ZERO PERCENT TAX RATE
INCREASE IN THE 2013 MUNICIPAL BUDGET**

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

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

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

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

Mayor and Council Comments Resolution #053-02-26-13:

Councilman Cohen puts this resolution forward every year, while it is a non-binding resolution it states the Council's intentions.

Councilwoman Algrant supports the spirit of this resolution but does not feel it is an appropriate use of a non-binding resolution and will be voting "No".

Councilman Skurnick is not opposed to the philosophy, but he will be voting "No" because he does not want to make cuts just to hit zero.

RESOLUTION #054-02-26-13

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

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

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

WHEREAS, on the recommendation of the City Manager and the City Tax Assessor, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to Realty Appraisal Co. with offices located at 4912 Bergenline Avenue, West New York, New Jersey 07093, pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 1 1-1 et. seq.) authorizes the award of such professional services contracts without competitive bidding; and

WHEREAS, the City Manager has determined that the value of this contract will be \$21,000 in the 2013 operating year: and

WHEREAS, the firm has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure Form certifying that the firm has not made or will make any reportable contributions that would bar the award of this contract under the provisions of N.J.S.A. 19:44A-1 et seq. and City of Englewood Ordinance No. 07-31; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to Realty Appraisal Co. to provide Appraisal Services for New Construction and Improvements for Added Assessments for the 2013 tax year, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and Realty Appraisal Co.;

BE IT FURTHER RESOLVED, that a copy of the within resolution, together with a copy of the Agreement and that the Business Entity Disclosure Certification and the Determination of Value, be on file in the Office of the City Clerk and be available for public inspection during regular business hours; and

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

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

RESOLUTION #055-02-26-13

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

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

WHEREAS, on the recommendation of the City Manager and the City Tax Assessor, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to Realty Appraisal Co. with offices located at 4912 Bergenline Avenue, West New York, New Jersey 07093, pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 1 1-1 et. seq.) authorizes the award of such professional services contracts without competitive bidding; and

WHEREAS, the City Manager has determined that the value of this contract will be at a rate of \$100.00 per hour, not to exceed \$10,000 in the 2013 operating year: and

WHEREAS, the firm has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure Form certifying that the firm has not made or will make any reportable contributions that would bar the award of this contract under the provisions of N.J.S.A. 19:44A-1 et seq. and City of Englewood Ordinance No. 07-31; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to Realty Appraisal Co to provide assistance in defending the 2013 Tax Appeals filed with the Bergen County Board of Taxation, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and Realty Appraisal Co;

BE IT FURTHER RESOLVED, that a copy of the within resolution, together with a copy of the Agreement and that the Business Entity Disclosure Certification and the Determination of Value, be on file in the Office of the City Clerk and be available for public inspection during regular business hours; and

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

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

RESOLUTION #056-02-26-13 (PULLED FROM THE AGENDA)

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

RESOLUTION #057-02-26-13

AUTHORIZE CONVEYANCE OF PUBLIC LAND

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

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

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

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

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Englewood that the City Solicitor is hereby

authorized to prepare a Deed of Conveyance for the subject property, and the City Manager and City Clerk are hereby authorized to execute and attest to the Deed of Conveyance between the City of Englewood and the Alza Corporation.

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

RESOLUTION #058-02-26-13

RESOLUTION OPPOSING ASSEMBLY BILL A-1196

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

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

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

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

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

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

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

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

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

RESOLUTION # 059-02-26-13

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

WHEREAS, an application has been filed for a place-to-place transfer of a Plenary Retail Consumption License 0215-33-017-002, heretofore issued to Group B Holdings LLC, trading as Burgerwood, for an inactive license with a mailing address of 90 W. Palisade Avenue, 2nd Floor, Englewood, New Jersey 07631 to be transferred to Group B Holdings LLC, trading as Burgerwood, to be located at 51 E. Palisade Avenue, Englewood, New Jersey 07631; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the City of Englewood does hereby approve, effective February 27, 2013, the place-to-place transfer of the aforesaid Plenary Retail Consumption License to Group B Holdings LLC trading as Burgerwood, and does hereby direct the City Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Group B Holdings LLC trading as Burgerwood and to the premises located at 51 E. Palisade Avenue, Englewood, New Jersey 07631 effective February 27, 2013."

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

RESOLUTION #060-02-26-13

**CONFIRM ENDORSEMENT OF CENTER FOR FOOD ACTION
APPLICATION FOR BERGEN COUNTY
HOME INVESTMENT PARTNERSHIPS-
SECURITY DEPOSIT ASSISTANCE PROGRAM**

WHEREAS, a Bergen County HOME Investment Partnerships application of \$80,000 has been proposed by The Center for Food Action in NJ for Security Deposit Assistance in the municipalities of Englewood and six other Bergen County towns; and

WHEREAS, pursuant to the State Interlocal Services Act, HOME funds may not be spent in a municipality without authorization by the City Council; and

WHEREAS, the aforesaid project is in the best interest of the people of Englewood; and

WHEREAS, this resolution does not obligate the financial resources of the City and is intended solely to expedite expenditure of the aforesaid HOME application;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Director of the Bergen County Division of Community Development so that implementation of the aforesaid project may be expedited.

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

Public Session:

- Elle Kelly 350 Shepard Avenue:
 - Spoke about meeting guidelines and that the City Charter should be revised.
 - Asked about the church that was recently built and questioned their parking.
- Evelyn Silas 62 DuBois:
 - Clarified her statement from earlier in the meeting regarding the children and the community of Englewood.
 - Confused by what is going on.
- Lucy Walker 363 Washington Place:
 - Spoke about the resolution for a zero percent tax increase.
 - Wants to use the City Hall basement as a recreation center.
- Leen Ann Mosley 115 W. Hudson Avenue:
 - Feels that the City wastes money and does not run things well.
 - Would like solar panels on the ice arena roof and wants the pools enclosed.
- Curtis Caviness 41 E. Forest Avenue:
 - Stated that prior planning prevents piss poor performance.
 - The City has more important things to discuss than an ice arena.
 - Teaneck has a Recreation Master Plan , Inventory and Community Center, their Director is willing to come and run a workshop here in Englewood to assist us in developing the same.

PERMIT THE COUNCIL OF THE CITY OF ENGLEWOOD TO ENTER INTO CLOSED SESSION

BE IT RESOLVED by the Council of the City of Englewood, pursuant to the provisions of the Open Public Meetings Act, that the Council meet in closed session to discuss the following subject matter:

Contract Negotiations

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

- () Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law.
- () Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds.
- () Sub-section 3 involving disclosure of material which would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved.
- () Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions, and negotiations thereof.
- () Sub-section 5 dealing with the acquisition of real property, the settling of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest.
- () Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law.
- (X) Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege.
- () Sub-section 8 dealing concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof.
- () Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license.

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

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

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

ADJOURN: 11:40 PM

Motion: Cohen
All in Favor

Lauren Vande Vaarst, RMC
City Clerk