

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

**March 12, 2013 at 6:30pm**

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A Workshop Meeting of the Mayor and Council of the City of Englewood, Bergen County, New Jersey, was held in the Municipal Court in the Public Safety Building commencing at 6:30 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.

RESOLUTION #066-03-12-13

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

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

Contract Negotiations

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.

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

Concluded Closed Session at 7:37 PM and then reconvened in open session.

Public Comment on Agenda Items:

No one from the Public came forward to speak

Mayor and Council Comments on Agenda Items:

- Councilman Skurnick glad that we are canceling Resolutions #062 and 063. Wants to separate out Resolution #065, and is proposing the addition of radios for the Fire Dept. for an additional \$70,000. Would like this considered in the next few weeks.
- Councilman Cohen commented that the City Manager and staff did a good job on the financials that is enabling us to cancel Resolutions #062 and 063. Asked if Resolution #064 is only for Introduction of the Budget and if the Budget can be amended before adoption.
- Councilman Skurnick will be voting "No" on the Introduction of the Budget because he feels that this year's budget process has been the least productive.
- Councilman Cohen commented on remarks made by Councilman Skurnick about taxes. Councilman Cohen cannot support an increase in property taxes.
- Councilman Hamer commented that the process does allow for amendments to the budget and we do have ample time to discuss or we vote the budget down.
- Councilman Skurnick stated that the recreation fees are an effective tax, and wants additional money added to the budget to keep Tryon Pool open the same amount of hours as Mackay Pool.

RESOLUTION #062-03-12-13

**CANCELLATION OF THE 2012 EMERGENCY APPROPRIATION FROM HURRICANE SANDY**

**WHEREAS**, emergency resolution #239-12-18-12 adopted on December 18, 2012 for \$140,000 was approved by the City Council of the City of Englewood for additional expenses beyond the 2012 Budget; and,

**WHEREAS**, there were no extraordinary charges to the 2012 Budget in the months following the hurricane through the end of the calendar year; and,

**WHEREAS**, the expenses incurred due to the hurricane were able to be absorbed within the approved 2012 Budget; and,

**WHEREAS**, there is really no reason for the Emergency Resolution as no over expenditure resulted from this event.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, County of Bergen, New Jersey that Resolution #239-12-18-12 be hereby cancelled; and,

**BE IT FURTHER RESOLVED** that the City Clerk is authorized to forward two certified copies of this resolution to the Director of Local Government Services.

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

RESOLUTION #063-03-12-13

**CANCELLATION OF THE 2012 EMERGENCY APPROPRIATION FOR FLOODING IN CITY HALL**

**WHEREAS**, emergency resolution #240-12-18-12 adopted on December 18, 2013 for \$175,000 was approved by the City Council of the City of Englewood for damage due to flooding in the basement of City Hall; and,

**WHEREAS**, only a portion of this expense was immediately required and the balance required further consideration; and,

**WHEREAS**, the balance of the expenses will be included in the 2013 Current Budget; and,

**WHEREAS**, there is really no reason for the Emergency Resolution as no over expenditure resulted from this event.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, County of Bergen, New Jersey that Resolution #240-12-18-12 be hereby cancelled; and,

**BE IT FURTHER RESOLVED** that the City Clerk is authorized to forward two certified copies of this resolution to the Director of Local Government Services.

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

RESOLUTION # 064-03-12-13

**RESOLUTION INTRODUCING 2013 CITY BUDGET**

The Local Budget of the City of Englewood, County of Bergen, for the calendar year 2013.

**BE IT RESOLVED** that the statement of revenue and appropriations (as included in the official Budget) shall constitute the Local Budget for the year 2013; and

**BE IT FURTHER RESOLVED** that the cancellation of unexpended balances of 2012 appropriations are approved and that all adjustments made to the Annual Financial Statement by the Chief Finance Officer are approved; and

**BE IT FURTHER RESOLVED** that said budget be published in the Record in the April 12, 2013 and a public hearing be held there on April 23, 2013, and that the City Council of the City of Englewood does hereby approve the Annual Budget for the year 2013 in the sum of \$59,645,510.00.

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 #065-03-12-13

**STATE CONTRACT PURCHASE OF NARROW BAND RADIO SYSTEM**

**WHEREAS**, the Federal Communications Commission (FCC) requires that all municipal government and state and local public safety systems using 25 kHz radio systems must migrate to 12.5 kHz narrowband voice channels by the end of 2012.

**WHEREAS**, the recent system wide failure requires emergency action to ensure the health and safety of Englewood's residents; and

**WHEREAS**, the City of Englewood is a participant in the State Cooperative Purchase program and has the requirement for radio communications equipment for our public safety system to comply with the FCC narrowband voice channels mandates; and

**WHEREAS**, funds are available for this purchase from the Capital Improvement Fund and the Chief Financial Officer has

provided a certification to this effect.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, New Jersey, that the City Manager is authorized to enter into a contract for the purchase of the items on the attached list from Command Radio Communications, Inc. located at 319 Knickerbocker Avenue, Hillsdale, New Jersey 070642 under State Contracts T-0109 and T-1044 for a total of \$642,000.

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

**Resolutions:**

Tim Dacey, City Manager Reviewed the following Resolutions:

- 2012 Reserve Budget Transfers
- Emergency Temporary Appropriations
- Resolution Authorizing Redevelopment Agreement for James Street
- Designate Human Trafficking Awareness Day
- Resolution in Support of Legislative and Other Initiatives to Promote Public Safety by Reducing Gun Violence
- Cooperative Purchase -Parking Pay Stations
- Award of Contract for Preservation of Records\
- Honoring National Public Health Week 2013, April 1 – 5, 2013
- Authorizing Award of Contract to Purchase Asphalt Hot Patcher for the Department of Public Works
- Authorize Execution of Settlement Agreement with Cross Creek Home Owners Association, Inc.
- Authorize Lease of Congressional Satellite Office – City Hall for Congressman Bill Pascrell, Jr.
- Cancellation of Bond Ordinance #02-07(b)
- Cancellation of Bond Ordinance #03-09(a)
- Authorize State Contract Purchase of Passenger Van

Ken Albert, City Engineer Reviewed the following Resolutions:

- Award Professional Services Contract to Birdsall Services Group to serve as a Licensed Site Remediation Professional for the Fire House
- Award Professional Services Contract to Birdsall Services Group to serve as a Licensed Site Remediation Professional for 18 Army Street
- Award Professional Services Contract to T&M Associates to serve as a Licensed Site Remediation Professional for Public Safety Complex- Underground Storage Tank
- Award Professional Services Contract to T&M Associates to serve as a Licensed Site Remediation Professional for Department of Public Works
- Award Professional Services Contract to T&M Associates to serve as a Licensed Site Remediation Professional for Parking Lot H- Underground Storage Tank
- Award Professional Services Contract to T&M Associates to serve as a Licensed Site Remediation Professional to Provide an Investigation of Files for 53-58 West Palisade Avenue

**Ordinances:**

- James Street Ordinance:
  - Zoning change is to permit expansion of ShopRite and approval of resizing of residential lots.
  - Will Introduce Ordinance on March 19, 2013. Ordinance cannot be adopted until Redevelopment Agreement has been adopted.
- Reappropriating Bond Ordinance
  - Will Introduce Ordinance on March 19, 2013.

**Public Session:**

- Sheila Figueroa Humphrey Street:
  - Spoke about religion.

RESOLUTION #067-03-12-13

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

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

Litigation and Personnel

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

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<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
<i>Hamer</i>	X	X			

**ADJOURN: 9:30 PM**  
 Motion: Huttle  
 All in Favor

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Lauren Vande Vaarst, RMC  
 City Clerk