

City of Englewood
City Council Meeting Minutes
March 19, 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
Mayor/Council President Frank Huttle III
City Attorney William Bailey
City Manager Timothy Dacey
City Clerk Lauren Vande Vaarst

Absent: Council member Lynne Algrant

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 #068-03-19-13

APPROVE PAYMENT OF BILLS AND CLAIMS

WHEREAS, The Chief Financial Officer has certified and submitted a consolidated bill and claims list for payment as well as a consolidated list of prepaid items. The prepaid items include emergency payments, wire transfers and regularly scheduled monthly payments that are paid between bill and claims list dates; and

WHEREAS, all bills and claims listed herewith have been encumbered and sufficient funds are available for payment; and

WHEREAS, the required signatures have all been obtained on each voucher on the attached list.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Englewood, that the bills and claims on the submitted lists are hereby approved for payment in the total amount of \$6,886,699.32.

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

Mayor and Council Comments on Resolution #068-03-19-13:

- Councilman Skurnick asked questions on various items in the Bills & Claims List; Master Plan, Time Warner, Teaneck Youth Basketball, and still would like a list of addresses for tax appeals that have been settled.
- Councilman Forman asked about Recreation Analytical Services.

Presentation:

Larry Powell, Vice President of the Englewood Volunteer Ambulance Corps (EVAC) presented the new EMTs to the Mayor and Council. EVAC also presented Certificates of Appreciation to the mayor and Council and to Tim Dacey, City Manager.

Communications from the Mayor/Council Members:

Comments from the City Manager:

- DPW is currently working on improvements to the Vicente K. Tibbs Center in order to get the facility ready for their inspection in May.
- Juneteenth will be held in mid June at the same location as last year.
- AED units are in and training for Coaches and City Employees will begin in April.
- The Annual Financial Statement has been completed and approved by the Auditor, and the City has \$5,780,034 in surplus.
- On June 30, 2013 the Tax Collector will be retiring. An accelerated tax sale will be held in June before she retires.

ORDINANCE #13-04

AN ORDINANCE AMENDING ORDINANCES NO. 88-7 AND 89-11, AS CODIFIED INTO THE CODE OF THE CITY OF ENGLEWOOD, CHAPTER 250, ENTITLED "MUNICIPAL LAND USE ORDINANCE", ARTICLE XI, 250-64 ENTITLED "CENTRAL BUSINESS (CBD-3) DISTRICT; TO WIDEN THE CBD-3 DISTRICT BOUNDARY IN A WESTERLY DIRECTION AS IT ABUTS THE PALISADES COURT SHOP-RITE SUPERMARKET A DISTANCE OF 50± FEET; TO CREATE A NEW ONE-FAMILY RESIDENCE DISTRICT, "R-F ZONE" IN ARTICLE IX, 250-54 COMPRISED OF LOTS WITH MINIMUM AREAS OF 6,500 SQUARE FEET, LOCATED BETWEEN THE WIDENED CBD-3 ZONE DISTRICT BOUNDARY AND THE WESTERLY LINE OF JAMES STREET TO ITS NORTHERLY TERMINUS AT TALLMAN PLACE; AND TO AMEND THE ZONING MAP AS REFERENCED IN THE CODE, ARTICLE IX, 250-55 TO REFLECT THESE CHANGES

WHEREAS, the CBD-3 District encompasses what is commonly known as the "central core" of Tax Block 610, including the Palisades Court / Tallman Place Shop-Rite, a 55,000 square foot supermarket, and the surrounding mini-mall, excluding the commercial properties abutting North Van Brunt Street and West Palisade Avenue and the residential lots on the east side of James Street; and

WHEREAS, to allow for assembly of the central core from multiple owners, the City opted for redevelopment under Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. and, once assembled into common ownership, the City planners and governing body chose in 1989 a zoning scheme known as "planned development", which is defined in the Municipal Land Use Law to include one or more subsets of planned development; and

WHEREAS, one of those subsets, chosen by Englewood for the central core, was a "planned commercial development", defined in N.J.S.A. 40:55D-6 to mean:

. . . an area of a minimum contiguous or non-contiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses incidental to the predominant use as may be permitted by ordinance; and

WHEREAS, the introductory statement of "Purpose" in Code Section §4-6.1 confirms the intention of the 1989 City Council to treat the area as a "planned commercial development", and Code §4-6.4 establishes the minimum requirement of seven (7) contiguous acres and

WHEREAS, the Shop-Rite has presented a case for expanding its footprint an additional 20,000 square feet, predicated upon the need to expand the array of foods demanded by a remarkable ethnic variety of consumers in the Englewood population and the catchment area beyond the City limits – which consumer population includes Asians, Asian Indians, Hispanics and Orthodox Jews; and that without the expansion, the supermarket interests claim that the supermarket cannot maintain both its competitive edge by adequately serving these ethnic communities; and

WHEREAS, it is the intention of the Mayor and Council of the City of Englewood, New Jersey to ensure that the land use arrangement of residential and commercial uses reflect sound planning design; and

WHEREAS, it is the intention of the Mayor and Council to impose suitable regulatory controls to ensure appropriate development in the City; and

WHEREAS, it is the intention of the Mayor and Council to amend the CBD-3 District by expanding this zone by approximately 60 feet in depth toward James Street to enable enhancements to the character of on-site commercial development, encompassing a portion of Block 610 Lots 21 through 31, as shown on the accompanying zone map; and

WHEREAS, the amendment to the CBD-3 District includes parking modifications for retail and supermarket use because the City seeks to enhance the refurbishment of the existing supermarket and associated retail activities in the CBD-3 District which shall improve the availability of goods for the neighborhood; and

WHEREAS it is recognized that, in order to facilitate the enhancement of this supermarket and associated retail activities, adjustment to parking calculations are necessary; and

WHEREAS the existing retail and supermarket spaces are delineated at a ratio of 1 parking space per 256 square feet of floor area and the proposed ratio of 1 parking space per 275 square feet of floor area is proposed as an appropriate parking ratio within this district to ensure the expansion of the supermarket to serve the resident population without any adverse impact on the site; and

WHEREAS, it is the intention of the Mayor and Council to create new R-F One-Family Residential District, encompassing a portion of Block 610 Lots 21 through 31, as shown on the accompanying zone map, to encourage the development of detached single family residential dwellings; and

WHEREAS, it is the intention of the Mayor and Council to achieve the above in a manner that ensures the City of Englewood land use policies serve to promote several purposes of the Municipal Land Use Law, including "promoting more efficient use of land", and "providing sufficient space in appropriate locations for a variety of residential and commercial uses"; and

WHEREAS, the proposed rezoning shall result in an improvement over the current state of the existing site development, thereby furthering a number of purposes of the City's Master Plan; and

WHEREAS, the proposed rezoning shall reinforce the neighborhood's established residential character, and is generally consistent with, the City's established attached residential densities; and

WHEREAS, the proposed rezoning results in residential development that will be in close proximity to the downtown district, which is consistent with sound planning principles that encourage new housing opportunities near commercial centers;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Englewood, Bergen County, New Jersey, as follows:

SECTION 1: Chapter 250 of the Code of the City of Englewood, entitled "Land Use", Part 4, entitled "Zoning", Article IX, entitled "Zoning Districts and Zoning Map", Section 250-54, entitled "Establishment of Districts", is hereby amended with the inclusion of the following:

One-Family Residential District.....R-F

SECTION 2: Section 250-55, entitled "Zoning Map", is supplemented by adding new paragraph 35 as follows:

35. The district boundaries established by the aforesaid map are amended so as to designate the following described premises as being within the One-Family Residence R-F District: Block 610 Lots 21-31 (partial).

The rear portion of Block 610 Lots 21-31 is rezoned as CBD-3 District.
See attached zone map for location and relocation of zone district lines.

[MAP APPENDED]

SECTION 3: Section 250-59, entitled "One-family residence districts", subsection A(1) is hereby supplemented to include the R-F District, with the following criteria:

B. Permitted uses. Within the R-F District, no land or building shall be used, nor shall any building be constructed, altered or designed to be used, for any purpose other than the following:

- (1) Detached single-family residential dwellings and other uses as permitted in, and regulated for, the R-E Zone.
- (2) Accessory uses within a principle building as permitted in, and regulated for, the R-E Zone.

D. Accessory buildings and structures. As permitted in, and regulated for, the R-E Zone, except as specifically set forth herein.

Swimming pools, courts, and all paved areas such as interior sidewalks, driveways, patios, platforms, fencing, and lighting shall comply with the following setback requirements and height limitations:

(1) **Front Yard:** Not permitted, except for sidewalks extending from the interior driveway to the front door of the dwelling, and vehicular driveways.

(2) **Minimum Side Yard:** 3 feet, provided that where the City approves an interior sidewalk for the purposes of providing pedestrian access from the street to the CBD-3 Zone, the sidewalk shall be permitted to be placed two feet from the side yard line.

(3) **Minimum Rear Yard:** 10 feet

(4) **Maximum Fence Height:** 6 feet

(5) **Maximum Light Height:** 12 feet

(6) **Maximum Illumination on Adjacent Lots:** 0.2 foot candles max.

H. Minimum lot size requirements. Within the R-F Zone, a principal building shall comply with the following minimum area, yard, bulk and height requirements, provided however, that if greater dimensions are required for any particular use pursuant to other provisions of this ordinance, then such greater requirements shall apply:

Minimum Lot Area: 6,500 square feet
Minimum Lot Width: 80 feet
Minimum Lot Depth: 80 feet

I. Yard requirements.

Minimum Front Yard: 20 feet
Minimum Side Yard: 10 feet, Combined Side yards 40 feet
Minimum Rear Yard: 25 feet

In the case of a corner lot, each yard which abuts a street shall be considered a front yard, and all other yards shall be considered a side yard. In such case, the combined side yard requirement may be reduced by 5 feet from 40 to 35 feet, provided that a minimum of 10 feet must be maintained for at least one side yard. Additionally, on corner lots a front yard may be reduced by 10 feet

J. Regulations concerning yards, planting areas, fences, etc. A planting area, which, except as otherwise permitted herein, shall consist entirely of grass or other living plants, shall be provided within all of the following described areas adjacent to each side lot line and the rear lot line of each lot:

Minimum Area adjacent to each side line: 3 feet
Minimum Area adjacent to rear line: 10 feet;

provided, however that where the municipality approves an interior sidewalk for the purposes of providing pedestrian access from the street to the CBD-3 Zone, a sidewalk shall be permitted to be placed two feet from the side yard line.

Subsection J.(4) is hereby amended to include reference to the R-F Zone so it reads to indicate "that cornices and cantilevered roofs may project ...into any required yard in an R-D, R-E and R-F district a distance of not more than 12 inches."

K. Height limitations. Maximum principal building height: 30 feet

L. Prohibited uses. In addition to the prohibition set forth in this Section, there shall be a prohibition of front loading garages facing a public right-of-way, except on a corner lot.

Maximum accessory building height: 12 feet, provided that the provisions applicable to chimneys, bulkheads, spires, and similar decorative features as regulated shall apply.

M. Maximum coverage.

Maximum building coverage: 25 percent
Maximum impervious coverage: 50 percent
Buffer: Minimum 6 foot rear yard buffer where adjacent to a nonresidential zone.

SECTION 4: Section 250-64, entitled "Central Business (CBD-3) District", is hereby amended and supplemented as follows:

F. Yard requirements.

(2) Where a lot abuts a detached residential district, a yard of five (5) feet shall be required on that side of any lot which abuts a detached residential district. However, where a lot abuts a residential district and a six-foot wide planted evergreen buffer is provided by means of an easement on the residential lot, the 5-foot setback shall be construed as being met; provided, however, the foregoing waiver shall not be applicable and shall be required to be met where it abuts parking.

J. Floor area ratio. The following shall be substituted for existing criteria:

(1) The sum of the area of all principal and accessory buildings and structures, **including** parking structures, within a planned commercial development within the Central Business District (CBD-3) shall not exceed **forty-five (45%) percent** of the area of the site.

(2) The sum of the area of all floors of buildings or structures, excluding parking structures and excluding common areas and stairs for **office use**, within a planned commercial development within the Central Business District (CBD-3) shall not exceed **forty-five (45%) percent** of the area of the site.

(3) The sum of the area of all floors of buildings or structures developed for **retail use** shall not exceed **forty (40%) percent** of the area of the site.

K. Building length. The following shall be substituted for existing criteria:

No building shall exceed **350 feet** in length.

L. Parking. Subsection (2)(a) is amended as follows:

The minimum number of parking spaces required for all retail and supermarket uses within this district shall be one (1) space for each 275 square feet of floor area.

SECTION 5: Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereto to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

SECTION 6: All ordinances, codes or parts thereof that are inconsistent with this Ordinance are repealed or otherwise modified.

SECTION 7: This Ordinance shall take effect upon passage and publication as required by law.

FIRST READING DATE: March 19, 2013

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

ORDINANCE #13-05

ORDINANCE REAPPROPRIATING \$112,879 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR VARIOUS CITY OF ENGLEWOOD ENVIRONMENTAL REMEDIATION PROJECTS AND OTHER RELATED EXPENSES IN AND BY THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY

BE IT ORDAINED BY THE 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. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$112,879 of the proceeds of obligations originally made available pursuant to Section 3(a) of Bond Ordinance No. 03-09 of the City of Englewood, in the County of Bergen, New Jersey (the "City"), finally adopted July 1, 2003 (the "Ordinance") and to Section 3(b) of Bond Ordinance No. 02-07 of the City of Englewood, in the County of Bergen, New Jersey (the "City"), finally adopted May 7, 2002 (the "Ordinance") , are no longer necessary for the purposes for which the obligations previously were authorized.

Section 2. The \$112,879 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide for environmental remediation projects and including all work and materials necessary therefore or incidental thereto.

Section 3. The capital budget of the City is hereby amended to conform with the provisions of this 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 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

FIRST READING DATE: March 19, 2013

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

Public Comment on Agenda Items:

No one from the Public came forward to speak.

RESOLUTION #056-03-19-13

**AUTHORIZE EXECUTION OF SETTLEMENT AGREEMENT
WITH CROSS CREEK POINTE CONDOMINIUM ASSOCIATION**

WHEREAS, pursuant to New Jersey State Law, N.J.S.A. 40:67-23.1 et seq. municipalities are required to provide certain services to qualified private communities such as solid waste collection, leaf collection and recycling; and

WHEREAS, in lieu of providing such services, municipalities shall enter into an agreement to reimburse a qualified private community for such costs; and

WHEREAS, the City did not provide all services required under the aforesaid Statute and in lieu of same is seeking to reimburse the qualified private community.

BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the City Manager is hereby authorized to execute, and the City Clerk to attest, an agreement between the City of Englewood and Cross Creek Pointe Condominium Association, for the calendar year 2013, not to exceed \$130, 000, a copy of which will be on file in the Office of the City Clerk and available for public inspection.

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

RESOLUTION #069-03-19-13

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

RESOLUTION #070-03-19-13

Temporary Emergency Appropriations

WHEREAS, an emergent condition has arisen in that the City of Englewood is expected to enter into contracts, commitments, or payments prior to the 2013 Budget adoption and no adequate provision has been made in the 2013 temporary budget for the aforesaid purposes; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose; and

WHEREAS, the total emergency temporary appropriation resolution adopted in 2013 pursuant to the provisions of Chapter 96, PL 1951 (N.J.S.A. 40A:4-20) including this resolution totals \$32,152,790.00;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-20 emergency temporary appropriations are hereby made in the amount of 17,906,790.00;

BE IT FURTHER RESOLVED that said emergency temporary appropriations will be provided for in the 2013 Budget and a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

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

RESOLUTION #071-04-23-13 (Pulled to be placed on future Agenda)

AWARD OF CONTRACT FOR RECORDS PRESERVATION

RESOLUTION #072-03-19-13

RESOLUTION DESIGNATING JANUARY 11TH AS “HUMAN TRAFFICKING AWARENESS DAY”

WHEREAS, human trafficking is a borderless crime against individuals that violates the most basic human rights and deprives victims of every shred of personal freedom; and

WHEREAS, human trafficking occurs when a person is recruited, harbored, obtained, or exported through force, fraud, or coercion for the purposes of sexual or labor exploitation, involuntary servitude, and other types of mental and physical abuse; and

WHEREAS, human traffickers target impoverished and marginalized children, women and men, isolating them from society and supportive networks and exploiting them for personal and monetary gain; and

WHEREAS, human trafficking is the fastest growing criminal enterprise in the world today, and is tied with arms smuggling as the second largest international criminal industry, falling only behind the illicit drug trade; and

WHEREAS, the United Nations’ International Labour Organization has estimated that at least 12.3 million adults and children worldwide are currently in forced labor, bonded labor, or forced prostitution; and it is estimated that more people are now harmed by Human Trafficking worldwide than have been at any other point in human history. Approximately 80% of the victims are women and girls, and 50% are younger than age 18; and

WHEREAS, many victims trafficked into the U.S. do not speak or understand English and are unable to communicate to seek rescue. Under U.S. law, any person under 18 involved in the commercial sex industry is considered a Human Trafficking victim; and victims include U.S. citizens and documented immigrants; and

WHEREAS, we recognize that New Jersey is a prime location for Human Trafficking because it is a major national and international transportation corridor and a culturally diverse state; and

WHEREAS, human trafficking is modern-day slavery, a practice that is in direct opposition to the fundamental principles of liberty and human rights upon which our nation was founded; and

WHEREAS, on February 1, 1865, President Abraham Lincoln signed the 13th Amendment to the United States Constitution. Once ratified, it officially outlawed slavery and involuntary servitude except as punishment for a crime; and

WHEREAS, Although the federal government and the State of New Jersey have enacted laws to prosecute human traffickers and protect the victims of human trafficking, traffickers use the techniques to keep their victims enslaved that severely limit self-reporting and that require broad public awareness of human trafficking issues for enforcement and prevention to occur; and

WHEREAS, the New Jersey State Constitution declares that all persons are by nature free and independent and have certain natural and unalienable rights; and

WHEREAS, the people of New Jersey, regardless of political persuasion, creed, race, or national origin, stand together with the global community to protect the fundamental freedoms and rights of all persons, to fight the proliferation of human trafficking in all of its forms, and to assist survivors of modern day slavery; and

WHEREAS, the City of Englewood stands committed to protecting human rights and individual freedom by eliminating human trafficking; and

WHEREAS, the City of Englewood is resolved to support the goals and ideals of observing a National Day of Human Trafficking Awareness on January 11th of each year and to support all efforts by individuals, businesses, organizations, and governing bodies to raise awareness of and opposition to Human Trafficking; and

WHEREAS, the City of Englewood commends the work of the NJ Coalition Against Human Trafficking for its statewide efforts to end human trafficking through education, advocacy, and assistance to survivors and to increase coordination and visibility of New Jersey's commitment to end human trafficking; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Englewood, County of Bergen, State of New Jersey do hereby proclaim January 11th of each year as: Human Trafficking Awareness Day in the City of Englewood, to raise awareness about the signs and consequences of human trafficking, to promote opposition to human trafficking in all of its forms, and to encourage support for the survivors of human trafficking throughout the State of New Jersey and across the world to put an end to this criminal activity and restore freedom and dignity to its survivors.

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

RESOLUTION #073-03-19-13

IN SUPPORT OF LEGISLATIVE AND OTHER INITIATIVES TO PROMOTE PUBLIC SAFETY BY REDUCING GUN VIOLENCE

WHEREAS, the epidemic of gun violence is spreading unchecked in cities, suburbs and rural areas across the United States; and

WHEREAS, in the months since 20 school children were murdered in Newton, Connecticut, on December 14, 2012, more than 900 of our fellow Americans, including children, were slain by people with guns; and

WHEREAS, there is growing revulsion among the residents of the State of New Jersey, toward this senseless violence; and

WHEREAS, we are cognizant of our duty as elected officials to protect the safety and security of our friends and neighbors who have trusted us with the opportunity to serve them.

NOW, THEREFORE, BE IT RESOLVED, that Mayor Frank Huttle III and the City Council of the City of Englewood, County of Bergen, State of New Jersey believe the right of the public to be free of and safe from gun violence is of paramount importance.

BE IT FURTHER RESOLVED, that by copy of this resolution we will convey to the federal government and to our elected Senators and Representatives our support of the plan to end gun violence as outlined by President Barack Obama and Vice President Joseph Biden on January 16, 2013.

BE IT FURTHER RESOLVED, that by copy of this resolution, we will convey to Governor Chris Christie and to our elected State Senator and Assembly members our support of the legislative initiatives proposed by Senate Majority Leader Loretta Weinberg and others, along with such other legislative initiatives as may be introduced, to strengthen New Jersey's laws promoting safe and responsible ownership of firearms. We will, from time to time, revisit the issue of gun violence for the purpose of considering further measures to help end the plague of gun violence in our community.

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

Resolution #074-03-19-13

HONORING NATIONAL PUBLIC HEALTH WEEK 2013, APRIL 1 - 5, 2013

WHEREAS, this year the City of Englewood celebrates 116 years of public health activities; and,

WHEREAS, public health services and programs are a high priority for the residents of New Jersey, County of Bergen, and the City of Englewood; and,

WHEREAS, public health programs strive to address the underlying causes of ill health, reduce disease and injury, and promote the health of all people: and,

WHEREAS, the first week of April is celebrated as “National Public Health Week” in 46 States, including New Jersey; and,

WHEREAS, public health professionals and community partners who promote public health play important roles in providing for the health and welfare of our citizens, and their efforts are worthy of widespread praise and appreciation; and,

THEREFORE, BE IT RESOLVED, that the City Council of the City of Englewood, Bergen County, New Jersey recognize the contributions and achievements of Public Health and Public Health professionals in addressing the issues of preventable disease, disability, and death in our community.

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

RESOLUTION #075-03-19-13

**AUTHORIZING AWARD OF CONTRACT
TO PURCHASE ASPHALT HOT PATCHER FOR THE
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Department of Public Works has a need to replace a 15-year old nonfunctioning asphalt patch machine; and

WHEREAS, three (3) vendors were contacted and quotations were received from all three of them, copies of the quotations are attached; and

WHEREAS, the quotation submitted by McGrath Municipal Equipment, LLC, 36 North Derby Road, Springfield, New Jersey 07081 for the purchase of a new 4-ton RME Asphalt Hot Patcher Trailer for the purchase price of \$24,950, was determined to be the low quote, and based upon the recommendation of the Director of Public Works, can be accepted by the City Council; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purchase; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the quotation submitted by McGrath Municipal Equipment, LLC is hereby accepted; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute an agreement between the City of Englewood and McGrath Municipal Equipment, LLC, for the purchase of a new 4-ton RME Asphalt Hot Patcher Trailer in accordance with the specifications therefore.

Funding for this project is available from the following source:

- Ordinance 10-28

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

RESOLUTION #076-03-19-13

**AWARD PROFESSIONAL SERVICES CONTRACT TO BIRDSALL SERVICES
GROUP TO SERVE AS A LICENSED SITE REMEDIATION PROFESSIONAL
FOR THE FIRE HOUSE**

WHEREAS, the City of Englewood requires a Licensed Site Remediation Professional (LSRP) to provide professional services for the environmental site remediation at the Fire House. The scope of work will include:

- Soils Site Investigation/Remedial Investigation
- Groundwater Remedial Investigation
- Ecological Evaluation/Receptor Evaluation
- Vapor Intrusion (VI) Investigation
- Reporting

WHEREAS, on the recommendation of the City Engineer, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to Birdsall Services Group, 611 Industrial Way West, Eatontown, New Jersey 07724 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 the value of this contract for the scope of services as stated above and in the attached proposal, is not to exceed \$127,525;

WHEREAS, Birdsall Services Group 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 and a copy of said certification is on file in the office of the City Clerk.

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 Birdsall Services Group to provide professional services for the environmental site remediation at the Fire House;

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

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

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

RESOLUTION #077-03-19-13

AWARD PROFESSIONAL SERVICES CONTRACT TO BIRDSALL SERVICES GROUP TO SERVE AS A LICENSED SITE REMEDIATION PROFESSIONAL FOR 18 ARMORY STREET

WHEREAS, the City of Englewood requires a Licensed Site Remediation Professional (LSRP) to provide professional services for the environmental site remediation at 18 Armory Street. The scope of work will include:

- Soils Site Investigation/Remedial Investigation
- Groundwater Remedial Investigation
- Receptor Evaluation
- Reporting

WHEREAS, on the recommendation of the City Engineer, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to Birdsall Services Group, 611 Industrial Way West, Eatontown, New Jersey 07724 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 the value of this contract for the scope of services as stated above and in the attached proposal, is not to exceed \$71,200;

WHEREAS, Birdsell Services Group 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 and a copy of said certification is on file in the office of the City Clerk.

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 Birdsell Services Group to provide professional services for the environmental site remediation at 18 Armory Street;

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

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

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

RESOLUTION #078-03-19-13

**AWARD PROFESSIONAL SERVICES CONTRACT TO
T&M ASSOCIATES TO SERVE AS A LICENSED SITE REMEDIATION PROFESSIONAL
FOR PUBLIC SAFETY COMPLEX- UNDERGROUND STORAGE TANK**

WHEREAS, the City of Englewood requires a Licensed Site Remediation Professional (LSRP) to provide professional services for the environmental site remediation at the Public Safety Complex- Underground Storage Tank.

The scope of work will include:

- Redevelop Three (3) Ground Water Monitoring Wells
- Ground Water Sampling
- Soil Borings
- Site Investigation Report

WHEREAS, on the recommendation of the City Engineer, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792 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 the value of this contract for the scope of services as stated above and in the attached proposal, is not to exceed \$19,600;

WHEREAS, T & M Associates 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 and a copy of said certification is on file in the office of the City Clerk.

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 T & M Associates to provide professional services for the environmental site remediation at the Public Safety Complex- Underground Storage Tank;

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

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

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

RESOLUTION #079-03-19-13

AWARD PROFESSIONAL SERVICES CONTRACT TO BIRDSALL SERVICES GROUP TO SERVE AS A LICENSED SITE REMEDIATION PROFESSIONAL FOR DEPARTMENT OF PUBLIC WORKS

WHEREAS, the City of Englewood requires a Licensed Site Remediation Professional (LSRP) to provide professional services for the environmental site remediation at the Department of Public Works

The scope of work will include:

- LSRP Opt-In/Retention
- Updated Receptor Evaluation
- Test Pit Oversight and Sampling
- Preliminary Assessment

WHEREAS, on the recommendation of the City Engineer, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to Birdsall Services Group, 611 Industrial Way West, Eatontown, New Jersey 07724 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 the value of this contract for the scope of services as stated above and in the attached proposal, is \$19,650;

WHEREAS, Birdsall Services Group 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 and a copy of said certification is on file in the office of the City Clerk.

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 Birdsall Services Group to provide professional services for the environmental site remediation at the Department of Public Works;

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

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

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

**AWARD PROFESSIONAL SERVICES CONTRACT TO
T&M ASSOCIATES TO SERVE AS A LICENSED SITE REMEDIATION PROFESSIONAL
FOR PARKING LOT H – UNDERGROUND STORAGE TANKS**

WHEREAS, the City of Englewood requires a Licensed Site Remediation Professional (LSRP) to provide professional services for the environmental site remediation at Parking Lot H - Underground Storage Tanks;

The scope of work will include:

- LSRP submission of an Annual Remediation Fee Form, visit DPW site
- Public Notification
- Initial Receptor Evaluation
- Redevelop Three (3) Existing Monitoring Wells
- Ground Water Sampling

WHEREAS, on the recommendation of the City Engineer, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to T & M Associates, 11 Tindall Road, Middletown, NJ 07748-2792 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 the value of this contract for the scope of services as stated above and in the attached proposal, will not exceed \$11,610;

WHEREAS, T & M Associates 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 and a copy of said certification is on file in the office of the City Clerk.

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 T & M Associates to provide professional services for the environmental site remediation at the Parking Lot H - Underground Storage Tanks;

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

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

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

**AWARD PROFESSIONAL SERVICES CONTRACT TO
T&M ASSOCIATES TO PROVIDE AN INVESTIGATION OF FILES FOR 55-63 W. PALISADE AVENUE**

WHEREAS, the City of Englewood requires a Licensed Site Remediation Professional (LSRP) to provide professional services for the environmental site remediation at 55-63 W. Palisade Avenue;

The scope of work will include:

- Review Available Files/Site Visit/ Letter Report of Findings

WHEREAS, on the recommendation of the City Engineer, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to T & M Associates, 11 Tindall Road, Middletown, NJ

07748-2792 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 the value of this contract for the scope of services as stated above and in the attached proposal, will not exceed \$5,000;

WHEREAS, T & M Associates 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 and a copy of said certification is on file in the office of the City Clerk.

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 T & M Associates to provide professional services for the environmental site remediation at 55-63 W. Palisade Avenue;

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

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

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

Resolution #082-03-19-13

**AUTHORIZE LEASE OF CONGRESSIONAL SATELLITE OFFICE IN
CITY HALL FOR CONGRESSMAN BILL PASCRELL, JR**

WHEREAS, the City of Englewood is located in the 9th Congressional District and is represented by Congressman Bill Pascrell, Jr.; and,

WHEREAS, in order to provide better access to services and information to the residents of Englewood and surrounding municipalities located within the 9th Congressional District the Office of Congressman Bill Pascrell, Jr. is proposing to open a satellite office in Englewood's City Hall; and,

WHEREAS, the Congressional satellite office will be staffed with a congressional representative two (2) to three (3) days each week with a permanent schedule to be determined in conjunction with the Mayor and City Manager; and,

WHEREAS, the lease will be on a rent-free basis and the Congressman's office will accommodate all necessary costs associated with their work; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, State of New Jersey that the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and the Office of Congressman Bill Pascrell, Jr. to open a satellite office in City Hall in the City of Englewood.

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

Resolution #083-03-19-13

CANCELLATION OF A PORTION OF ORDINANCE #02-07(b)

WHEREAS, Ordinance #02-07 appropriating \$1,150,000 was introduced on March 19, 2002 and subsequently adopted on May 7, 2002; and

WHEREAS, the ordinance, titled Various Capital Improvements, contained a sub -section #02-07 (b) originally appropriating \$350,000 and providing for the issuance of \$330,000 in bonds or notes; and

WHEREAS, the project, described as Various Roads (b), has been deemed complete and there remains \$26,493 available; and

WHEREAS, these dollars could be used to fund another capital program; and

WHEREAS, it is the intention of the Chief Financial Officer to cancel this portion of the capital ordinance and re-appropriate the funds into another capital ordinance or into Capital Surplus; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that this portion of Ordinance #02-07(b) in the amount of \$26,493 is hereby cancelled.

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

Resolution #084-03-19-13

CANCELLATION OF A PORTION OF ORDINANCE #03-09(a)

WHEREAS, Ordinance #03-09 appropriating \$2,900,000 was introduced on June 10, 2003 and subsequently adopted on July 1, 2003; and

WHEREAS, the ordinance, titled Various Road Improvements, contained a sub-section #03-09(a) originally appropriating \$2,000,000 and providing for the issuance of \$1,900,000 in bonds and notes; and

WHEREAS, the project, described as Resurfacing of Various Roads (a), has been deemed complete and there remains \$86,386 available; and

WHEREAS, these dollars could be used to fund another capital program; and

WHEREAS, it is the intention of the Chief Financial Officer to cancel this portion of the capital ordinance and re-appropriate the funds into another Capital ordinance or into Capital Surplus; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that this portion of Ordinance #03-09(a) in the amount of \$86,386 is hereby cancelled.

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

RESOLUTION #085-03-19-13

**AUTHORIZE STATE CONTRACT PURCHASE
OF PASSENGER VAN**

WHEREAS, passenger van vehicles for use by recreation departments have been bid by the State of New Jersey under its Cooperative Purchasing Program; and

WHEREAS, the City of Englewood is a participant in the State Cooperative Purchase program and has the requirement

for one (1) replacement passenger van; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Capital Bond Ordinance #12-20 to award this contract.

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 with Flemington Buick Chevrolet, Flemington, NJ under State Contract A82891 for the purchase of one (1) 2013 Chevrolet Express 3500 1LS 15 Passenger Van for a contract price of \$23,538.

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

RESOLUTION #086-03-19-13

AUTHORIZING A REDEVELOPMENT PLAN AMENDATORY AGREEMENT

WHEREAS, the "West Street Renewal Area", as more fully described in **Exhibit A** annexed hereto and made part hereof (encompassing portions of what have heretofore been designated as the West Street Redevelopment Area ("WESTRA") and the Amory Street Redevelopment Area ("ASTRA"), has heretofore been declared by the City Council, following a hearing and recommendation thereon by the Planning Board of the City of Englewood, an area in need of renewal, rehabilitation and redevelopment; and

WHEREAS, by Ordinance No. 88-7, the City Council enacted on June 7, 1988 established a Redevelopment Plan and designated the City Council as the Redevelopment Agency for the West Street Renewal Area; and

WHEREAS, to allow for assembly of the central core from multiple owners, the City opted for redevelopment under Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. and, once assembled into common ownership, the City planners and governing body chose in 1989 a zoning scheme known as "planned development", which is defined in the Municipal Land Use Law to include one or more subsets of planned development; and

WHEREAS, one of those subsets, chosen by the City for the central core, was a "planned commercial development", defined in N.J.S.A. 40:55D-6 to mean:

...an area of a minimum contiguous or non-contiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses incidental to the predominant use as may be permitted by ordinance; and

WHEREAS, by this Redevelopment Plan Amendatory Agreement it is the intention of the Mayor and Council to amend the Zoning Ordinance to permit the expansion of the supermarket and address the development of property along James Street to not only provide for the expansion, but to commit the parties to the development of high quality detached single family residential dwellings on the easterly side of James Street and where it is the purpose of this Redevelopment Plan Amendatory Agreement to delineate the obligations of the ShopRite operator, the original developer and the home site's owner (hereinafter collectively referred to as the "Redevelopers"), and to further provide for the performance and enforcement of the redeveloper's obligations under all applicable laws, ordinances, rules and regulations including but not limited to the land use regulations of the City of Englewood;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL that on behalf of the City of Englewood, the Mayor or alternatively the City Manager is hereby authorized to execute the Redevelopment Plan Amendatory Agreement annexed hereto as Attachment A.

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

Mayor and Council Comments on Resolution #086-03-19-13:

- Councilman Forman made a Motion to adopt Resolution #086 and Councilman Cohen seconded it. Then the Resolution was opened for discussion. Councilman Forman asked for a change in Item #1 of Exhibit D, and explained to the

public that Exhibit D is the Minimum Design Standards which addresses number of bathrooms and bedrooms and types of counter tops, etc. Council Forman proposed that the wording be changed in Item # 1 of Exhibit D to read "2 or 3 bedrooms" rather than "3 bedrooms".

- Councilman Cohen suggested it should read "3 bedrooms or less".
- Mr. Bailey determined that this is not a material change and the Resolution can be voted on.
- Councilman Forman made a Motion to amend his original Motion to change the wording in Item #1 of Exhibit D to read "3 bedrooms or less". Councilman Hamer seconded the motion to amend.
- Vote on Motion to amend Exhibit D, Item # 1 of Resolution #086-03-19-13 to read "3 bedrooms or less":

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			

- Councilman Skurnick commented that until this moment he did not realize that the Developer had signed the Agreement and because they did doesn't that make it a public record. Mr. Bailey explained that it does not because the Council can still vote "No" and can go back into negotiations with the Developer.
- Mayor Huttle said that in the last Closed Session the Redevelopment Agreement was discussed and deliberated and that is why it is on the agenda tonight. Asked Mr. Bailey to explain again that this document is a deliberative document and does not become public record until it is approved by the Council. Mayor Huttle then explained that the public hearing on the James Street ordinance will be on April 9th and that is the time for the public to comment on that document.
- The City Clerk reviewed Ordinance #13-04 and stated that all the exhibits except for the Redevelopment Agreement have been made available to the public in the past when this Ordinance was previously discussed and are still on the City's website. The public cannot see the Redevelopment Agreement tonight.
- Mayor Huttle stated that he would allow only former Mayor Sandy Greenberg to come up and speak for 2 minutes on this resolution. He explained that this was all discussed back in November and December of 2012 and was referred to the Planning Board for review, and we need to move forward on this so that Ordinance #13-04 can be discussed and considered.
- Sandy Greenberg wants a clarification on this resolution and wants the vote on this resolution held off so the public can speak on the documents being discussed even if they have not seen the documents.
- Mr. Bailey explained that the rezoning Ordinance should not be adopted without first adopting the Resolution authorizing the Redevelopment Agreement. The issue is if the Ordinance is adopted on the April 9th and the Agreement has not been agreed to then you have no control over what the Developer builds. The Redevelopment Agreement needs to be adopted before the Ordinance.
- Councilman Skurnick does not feel we are ready to adopt the resolution and was expecting a few more weeks to work on this and have more opportunity, and while it is pretty good it is not strong enough. Commented that two (2) properties still have not been purchased by GLF, and what will the project look like 10,000 square foot addition or 20,000 square foot expansion. Will not be supporting this resolution tonight and would have preferred 2 more weeks.
- Councilman Hamer has two (2) concerns; design and the impact on the neighborhood and how long it will take and the amount of inconvenience to the neighbors. Agreement does put constraints on GLF and the City has to be watchful over the project.

Public Session:

- Jeanne Hopewell 380 Liberty Road:
 - Spoke about the Bergen County Peace and Justice Coalition which is celebrating its 10th Anniversary on Wednesday, March 20th from 4:30PM to 6PM and hopes that everyone can join them.
- Sandy Greenberg 449 Liberty Road:
 - Spoke about James Street and that the needs of the community have not been met.
 - Planning Board did not really question anything and agreed to whatever GLF proposed.
 - Asked if there is any point for the public to come out and speak, and if the Council is open to listening.
 - Read a statement by Betty Grossman, realtor and resident.
- Ellie Lubin 384 Audubon Road:
 - Asked about the Redevelopment Agreement and when it will become public and available.
- Suzanne Patzold 312 W. Palisade Avenue:
 - Commented on Councilman Cohen's comments regarding competition between the Wards.
 - What time will the Redevelopment Agreement be available for the public to pick up?
 - Thinks it is a great idea to have a bedroom on the first floor.
- Ann Sapanese 146 St. Nicholas Avenue:
 - Thinks Sandy Greenberg has very good ideas and smaller houses are necessary.

- Helen Kiphaut 99 Charles Street:
 - Asked if Resolution #086 is an amendment for Ordinance #13-04.
 - Can City act on Ordinance #13-04 if the final two (2) properties have not been purchased?
- Charles Cobb 113 Marilyn Court:
 - What construction is taking place by the Monument?
- Barbara Baker 104 Marilyn Court:
 - Asked how long cars can be parked on City streets.
- Carol Bodian 400 Lantana Avenue:
 - Commented that she is a Senior Citizen and is interested in housing with bedrooms on the first floor.
- Barbara Stubbs 57 Knickerbocker Road:
 - Agrees with smaller housing in the area so elderly people can live in the area.
 - Asked if Mr. Dacey could explain what a Tax sale is?

RESOLUTION #087-03-19-13

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:

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

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

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

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
Algrant					X
Forman		X			
Skurnick		X			
Cohen		X			
Hamer	X	X			

ADJOURN: 9:39 PM

Motion: Hamer

All in Favor

Lauren Vande Vaarst, RMC
City Clerk