

City of Englewood
City Council Meeting Minutes
April 23, 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
City Attorney William Bailey
City Manager Timothy Dacey
City Clerk Lauren Vande Vaarst

Absent: Mayor/Council President Frank Huttie III

President Pro Tem Algrant 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.

MOMENT OF SILENCE:

- For the victims of the Boston Marathon bombing.

RESOLUTION #092-04-23-13

RESOLUTION ACCEPTING MINUTES

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

COUNCIL MEETING

February 26, 2013
March 19, 2013

COUNCIL BUDGET MEETING

March 6, 2013
March 13, 2013

COUNCIL WORKSHOP SESSION

March 12, 2013

CLOSED SESSION

February 26, 2013
March 12, 2013

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

RESOLUTION #093-04-23-13

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 \$3,410,652.41.

| 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 | | | |

Communications from the Mayor/Council Members:

Comments from the City Manager:

- Received \$49,000 in Insurance proceeds for the basement at City Hall, and an additional \$40,000 is expected.
- Just closed out the rent and final payment with the EPSD for the Liberty School.
- Tax Collector is retiring and the search for a replacement is being conducted.
- The DPW Director is retiring September 1, 2013 and the City will be conducting a search for his replacement.
- Getting ready to go out to bid for the 2013 Road Improvement Program.
- Working out room rental costs with the EPSD for Recreation during the week. Recreation will be using the Elizabeth Morrow School on weekends during the summer.
- The Summer Concert series will run from June 13 to August 29, 2013 (total of 10 weeks).
- Pension increase will total \$106,480 for PERS and PFRS.
- Increased in assessed value of homes is \$1,100 on average. First increase since 2008.

Public Hearing on Introduced 2013 Budget:

- Norman Gorlyn 150 Madison Avenue:
 - Asked if Police Budget was increased.
 - Spoke about an article in this Sunday's Record that Hackensack is hiring Class II Police Officers to handle routine matters and receive no benefits.
- Curtis Caviness 41 E. Forest Avenue:
 - Inquired if the Budget includes money for the Trolley service. Spoke about the Trolley and that it is a needed service which benefits many and should be continued.
 - Asked how many Full-time employees are in the Recreation Department and commented that four (4) are not enough.
- Lucy Walker 363 Washington Place:
 - Asked why street lighting is not included in the Budget and that the streets are very dark. The lights at Herring Park are lit all summer and cause a problem for the neighbors.
 - Spoke about Trolleys and the residents who use the service.
 - Discussed regressive taxation.

Public Hearing On Amendment To 2013 Budget

No one from the Public came forward to speak.

RESOLUTION #094-04-23-13

RESOLUTION TO AMEND 2013 BUDGET

WHEREAS, the local municipal budget for the year 2013 was approved on the 12th day of March, 2013 and;

WHEREAS, the public hearing on said budget will be held as advertised on April 23, 2013; and

WHEREAS, it is desired to amend said approved budget;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Englewood, in the County of Bergen, State of New Jersey, that the following amendments to the approved budget of 2013 be made:

| | FROM | TO | |
|----------------------------------|--|---------------------|---------------------|
| | INTRODUCED | ADOPTED | |
| SUMMARY OF REVENUES | | | |
| 1. | Surplus Anticipated | <u>\$3,054,000</u> | <u>\$3,079,000</u> |
| 5. | Subtotal General Revenues (Items 1,2,3 and 4) | <u>\$12,463,296</u> | <u>\$12,488,296</u> |
| 6. | Amount to be Raised by Taxes for Support of Municipal Budget: | | |
| | a) Local Tax for Municipal Purposes including Reserve for Uncollected Taxes | \$45,555,783 | \$45,221,783 |
| | Total Amount to be Raised by Taxes for Support of Muni Budget | <u>\$47,182,214</u> | <u>\$46,848,214</u> |
| 7. | Total General Revenues | \$59,645,510 | \$59,336,510 |
| SUMMARY OF APPROPRIATIONS | | | |
| 8. | (A) Operations-within "CAPS" | | |
| | Public Works: | | |
| | Public Administration: | | |
| | Salaries & Wages | \$239,000 | \$237,000 |
| | Shade Tree Department: | | |
| | Salaries & Wages | \$163,000 | \$155,000 |
| | Road Repairs and Maintenance | | |
| | Salaries & Wages | \$1,035,000 | \$1,247,000 |
| | Central Maintenance Garage: | | |
| | Salaries & Wages | \$308,000 | \$232,000 |
| | Other Expenses | \$543,000 | \$527,000 |
| | Construction and Facility Maint: | | |
| | Salaries & Wages | \$300,000 | \$272,000 |
| | Sanitation Collection Costs: | | |
| | Salaries & Wages | \$1,345,000 | \$1,225,000 |
| | Sewer Department | | |
| | Salaries & Wages | \$145,000 | \$76,000 |
| | Parks Department: | | |
| | Salaries & Wages | \$213,000 | \$209,000 |
| | Recreation Department | | |
| | Other Expenses | \$517,000 | \$545,000 |
| | Total Operations [item 8 (A)] within "CAPS" | <u>\$40,796,700</u> | <u>\$40,713,700</u> |
| | Total Operations Including Contingent-within "CAPS" | <u>\$40,802,700</u> | <u>\$40,719,700</u> |
| | Detail: | | |
| | Salaries & Wages | \$26,693,000 | \$26,598,000 |
| | Other Expenses(Including Contingent) | \$14,109,700 | \$14,121,700 |
| | (2) STATUTORY EXPENDITURES: | | |
| | Contribution to: | | |

| | | |
|---|---------------------|---------------------|
| Social Security System (O.A.S.I.) | \$1,188,000 | \$1,000,000 |
| Total Deferred Charges and Statutory Expenditures-Muni within "CAPS" | <u>\$5,962,000</u> | <u>\$5,774,000</u> |
| (H-1) Total General Approp. For Muni Purposes within "CAPS" | \$46,764,700 | \$46,493,700 |
| (A) Operations-Excluded from "CAPS" | | |
| Maintenance of Municipal Free Public Library | \$2,035,870 | \$2,105,870 |
| Total Other Operations-Excluded from "CAPS" | | |
| Total Operations-Excluded from "CAPS" | <u>\$5,961,810</u> | <u>\$6,031,810</u> |
| Detail: | | |
| Other Expenses | \$5,670,810 | \$5,740,810 |
| (D) Municipal Debt Service-Excluded from "CAPS" | | |
| Interest on Notes | <u>\$620,000</u> | <u>\$512,000</u> |
| Total Municipal Debt Service-Excluded from "CAPS" | \$4,897,000 | \$4,789,000 |
| (E) Deferred Charges-Municipal;-Excluded from "CAPS" | | |
| (H-2) Total Gen. Appropriations for Muni Purpose Excluded from "CAPS" | <u>\$11,880,810</u> | <u>\$11,842,810</u> |
| (O) Total Gen. Appropriations-Excluded from "CAPS" | <u>\$11,880,810</u> | <u>\$11,842,810</u> |
| (L) Subtotal Gen. Appropriations {items (H-1) and {O}} | <u>\$58,645,510</u> | <u>\$58,336,510</u> |
| 9. Total General Appropriations | \$59,645,510 | \$59,336,510 |

BE IT FURTHER RESOLVED, that three (3) certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for certification of the 2013 Local Municipal Budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with N.J.S.A. 40A:4-9 has been published in The Record on April 19, 2013, and provides notice that a public hearing on said amendment will be held at the Englewood Municipal Court, 73 S. Van Brunt Street on April 23, 2013 at 7:30PM.

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

Mayor and Council comments on Resolution #094-04-23-13:

- Councilman Skurnick commented that he is pleased that the Budget allows for the Tryon Avenue Pool to be open the same hours as Mackay Pool.

RESOLUTION # 095-04-23-13

AUTHORIZING THE ADOPTION OF THE 2013 BUDGET

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COUNTY OF BERGEN, that the 2013 Budget, as approved on March 12, 2013 and amended on April 23, 2013, is hereby adopted;

BE IT FURTHER RESOLVED that the sums contained in the Official Budget constitute the appropriations and tax levy for the year 2013; and

BE IT FURTHER RESOLVED that the Budget authorizes the following:

| | |
|-----------------|---|
| \$45,221,783.00 | in the Amount to be Raised Through Taxes for Municipal Purposes for 2013 (Including \$3,100,000 for the year 2013 BCUA Sewer Tax. Accordingly, \$42,121,783.00 is raised through taxes for City purposes) |
|-----------------|---|

\$ 1,626,431.00

in Minimum Library Tax

\$59,336 ,510.00

in Total Appropriations for 2013

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized to complete Sheet 41 and 42 of the Official Budget and is further authorized to make the necessary adjustments to the City of Englewood Annual Financial Statements including account cancellations and establishing accounts receivable.

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

ORDINANCE #13-06

BOND ORDINANCE APPROPRIATING \$4,345,000 FOR VARIOUS GENERAL IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF \$4,124,000 OF BONDS AND/OR BOND ANTICIPATION NOTES FOR SAID IMPROVEMENTS, AUTHORIZED TO BE UNDERTAKEN IN AND BY THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY

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 the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The improvements and purposes described in Section 3 of this Bond Ordinance are hereby authorized as capital improvements to be made or acquired by the City of Englewood, County of Bergen, New Jersey (hereinafter referred to as the "City"). For said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$4,345,000. A down payment of \$221,000 is herein appropriated from the capital improvement fund or other funds of the City as the down payment for the purposes or improvements authorized herein, in accordance with the provisions of the Local Bond Law (N.J.S.A.40A:2-1 *et seq.*, hereinafter the "Law").

Section 2. For the financing of said obligations and to meet the part of said \$4,345,000 appropriation not otherwise provided for hereunder, negotiable bonds of the City are hereby authorized to be issued in a principal amount not to exceed \$4,124,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds, negotiable bond anticipation notes in the principal amount not to exceed \$4,124,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law. In the event that bonds are issued pursuant to this Ordinance, the aggregate amount of bond anticipation notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and bond anticipation notes issued pursuant to this ordinance shall at any time exceed \$4,124,000, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such bond anticipation notes then outstanding, at maturity. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within the limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed and shall be under the seal of said City and attested as permitted by law. The appropriate City officers are hereby authorized to execute said bond anticipation notes and to issue said notes in such form as may be adopted in conformity with law. The power to determine all matters in connection with this ordinance and also the power to sell said bond anticipation notes, is hereby delegated to the Chief Financial Officer of the City (the "Financial Officer"), who is hereby authorized to sell said bond anticipation notes either at one time or from time to time in the manner provided by law and the Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. The Financial Officer is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of bond anticipation notes pursuant to this ordinance is made, such report to include the principal amount, description, interest rate and maturity of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 3. The improvements hereby authorized and the purposes for which said obligations are to be issued are as follows:

| Improvements/Purposes | Estimated Cost | Down payment (Capital Improvement Fund) | Bonds or Notes Authorized | Useful Life (Years) |
|-----------------------|----------------|---|---------------------------|---------------------|
| | | | | |

| | | | | |
|--|--------------------|------------------|--------------------|----|
| 1.) Mill & Pave Roadways, including but not limited to Linden, Dwight, Walnut and other designated streets, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto. | \$750,000 | \$38,000 | \$712,000 | 10 |
| 2.) Road Reconstruction of West Palisades Avenue and other streets, including cross walks, curbs & sidewalks ,the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto. | \$750,000 | \$38,000 | \$712,000 | 10 |
| 3.) Drainage Improvements City wide to various sanitary and culvert improvements, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto. | \$530,000 | \$27,000 | \$503,000 | 40 |
| 4.) Various Park Improvements City Wide, including 9/11 Memorial, equipment and tree replacement, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto. | \$229,000 | \$12,000 | \$217,000 | 15 |
| 5.) Document Retention Digital Storage Equipment, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto. | \$75,000 | \$4,000 | \$71,000 | 15 |
| 6.) Improvements to various City Facilities, including but not limited to environmental cleanup at Pistol Range, Firehouse, Armory, DPW & Police Department, design and permits for a new firehouse, and upgrades and improvements to various public buildings, including but not limited to Library steps, sanitary sewer mapping, and acquisition of computers, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto. | \$1,580,000 | \$79,000 | \$1,501,000 | 15 |
| 7.) Traffic Signals City Wide replacement of controllers, signals and related equipment, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto. | \$265,000 | \$14,000 | \$251,000 | 15 |
| 8.) Acquisition of Equipment including but not limited to Firehouse Filters for diesel exhaust & air packs, message board and related equipment, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto. | \$166,000 | \$9,000 | \$157,000 | 15 |
| TOTALS | \$4,345,000 | \$221,000 | \$4,124,000 | |

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and is property or improvements which the City may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of said purposes is within the limitations of the Local Bond Law taking into consideration the amount of obligations authorized for each purpose, and according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, the average period of usefulness is 16.45 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the City 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, and such Statement shows that the gross debt of the City determined as provided in said Law is increased by this bond ordinance by \$4,124,000 and obligations authorized and/or hereunder will be within all debt limitations prescribed by said Law.

(d) Amounts not exceeding \$850,000 in the aggregate for interest on said obligations, costs of issuing said

obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimates thereof.

Section 5. Any grant or other moneys received for the purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements, obligations or acquisition or to payment of the obligations issued pursuant to this ordinance and the amount of the obligations authorized herein for such purpose shall be reduced accordingly.

Section 6. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the City, and, unless paid from other revenues of the City, the City shall be obligated to levy ad valorem taxes upon all the taxable property within the City for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 7. 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 of the State of New Jersey, Department of Community Affairs, 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 City Clerk and is available there for public inspection.

Section 8. The City reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this ordinance and paid prior to the issuance of any bonds or notes authorized by this ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.150-2(e), and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

Section 9. To the extent that any previous ordinance or resolution is inconsistent with or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. The provisions of this ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 11. This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

FIRST READING DATE: April 23, 2013

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

ORDINANCE #13-07

AN ORDINANCE OF THE CITY OF ENGLEWOOD, STATE OF NEW JERSEY RELATING TO FLOOD CONTROL AREAS; AMENDING THE CITY CODE OF THE CITY OF ENGLEWOOD, TO INCLUDE "FLOOD CONTROL AREAS"; PROVIDING RESTRICTIONS ON BUILDING STRUCTURES NEAR DRAINAGE RIGHTS-OF-WAY, APPLICATION TO PLANNING BOARD FOR EXCEPTION, POWER TO GRANT EXCEPTION; STANDARDS, REQUIREMENTS FOR CONSTRUCTION; EXCEPTION, APPROVAL OF GOVERNMENTAL AGENCIES, AND PENALTY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY AS FOLLOWS:

Section 1. The City Code of the City of Englewood is hereby amended to include "Flood Control Areas" to read as follows:

Restrictions on building structures near drainage rights-of-way.

No building structure or any part thereof, no fence or other structure shall be constructed, altered, located, or placed nearer the center line of any drainage canal, brook, or stream than as hereinafter specified:

- (a) Overpeck Drainage Canal. For that section of the Overpeck Drainage Canal from Flat Rock Brook to First Street 50', for that section of the Overpeck Drainage Canal from First Street to Slocum Avenue 40', for that section of the Overpeck Drainage Canal from Slocum Avenue to Engle Street 35', for that section of the Overpeck Drainage Canal from Engle Street to Hudson Avenue vicinity 30'.

- (b) Metzler's Brook. For that section of Metzler's Brook from Ivy Lane to Washington Place 35', for that section of Metzler's Brook from Mattlage Place to First Street 40'.
- (c) Flat Rock Brook. For that section of Flat Rock Brook from Overpeck Drainage Canal to Grand Avenue 50', for that section of Flat Rock Brook from Grand Avenue to Middlesex Avenue 40', for that section of Flat Rock Brook from Middlesex Avenue to Englewood Cliffs-Englewood boundary line 30'.
- (d) All other tributary brooks. For all other tributary brooks not mentioned above in sections (a), (b), or (c) a minimum distance of 30'.

Application to Planning Board for exception.

Any property owner owning lands in any of the above described areas may apply to the Planning Board of the City for a specific exception from the provisions of this article.

Power to grant exception; standards.

(a) The Planning Board shall have the power to grant an exception to the provisions of this article and permit construction within the described areas, which exception may be granted as part of a site plan approval granted by the Planning Board or by separate action of the Planning Board.

- (b) In determining whether or not to grant such exception, the Planning Board shall consider the base its determination on:
- (1) the effect that such proposed construction would have on the nature and flow of the water course involved;
 - (2) the danger and prospect of flooding on the premises involved; and
 - (3) the effect that such proposed construction may be likely to have on flooding of the water course, including flooding at the site in question and elsewhere.

Requirements for construction; exception.

- (a) No bridge, culvert, viaduct, drainage structure, or any other structure shall be constructed over, under, or in the bed of any brook, drainage canal, or stream unless the same shall have been designed by a licensed professional engineer of the state of New Jersey and reviewed and approved by the City Engineer.
- (b) Such approval shall be denied if the City Engineer determines that the proposed bridge, culvert, viaduct, drainage structure, or other structure will obstruct the flow of water in the said drainage canal, brook, or stream to such an extent as to be likely to increase the danger of flooding thereof.
- (c) Nothing herein provided shall be construed so as to prohibit the construction of a bridge, culvert, viaduct, watershed, drainage structure, or other structure by any governmental agency authorized to undertake such construction.

Approval of governmental agencies.

Nothing herein contained shall be construed to authorize any construction in, over, or close to any water course without first obtaining any state, federal, or county approval which may be required therefore.

Penalty.

Any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine not exceeding \$500, or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

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 2. If any sentence, section, clause, or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

Section 3. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect immediately upon passage and publication as required by law.

FIRST READING DATE: April 23, 2013

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

Mayor and Council comments on Ordinance #13-07:

- Councilman Skurnick commented that he did not remember discussing this as part of the April 9th Workshop Agenda. Does understand that it is a simple housekeeping issue.

Public Comment on Agenda Items:

- Curtis Caviness 41 E. Forest Avenue:
 - Asked about the Imaging System for Code Enforcement in Resolution #105.
- Shirley Smith 374 W. Palisade Avenue:
 - Spoke about Resolution #097 and asked that the residents be kept informed .

RESOLUTION #071-04-23-13

AWARD OF CONTRACT FOR RECORDS PRESERVATION

WHEREAS, the City of Englewood suffered extensive flooding in the basement of City Hall on October 27, 2012 prior to Hurricane Sandy due to a burst water pipe. The City had to move 543 cubic feet of water damaged documents, drawings and ledgers to a freezer storage facility in order to prevent further damage to these permanent records. Now the City of Englewood has a requirement to have these records preserved, deodorized, cleaned and boxed; and

WHEREAS, the City issued a Request For Proposal to solicit Proposals from Respondents to provide records preservation services on February 27, 2013 and received submissions on March 19, 2013, and based on professional experience, expertise and reputation, the City Clerk recommends the award of a contract for such services to Belfor Property Restoration with offices located at 652 Rahway Avenue, Union, New Jersey 07083 pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

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

WHEREAS, the City Manager has determined that the value of this contract will not exceed \$57,000 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

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 Belfor Property Restoration to provide record preservation services as outlined in the Request for Proposal, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and Belfor Property Restoration.

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

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

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

CORPORATE GOVERNANCE BEST PRACTICES FOR COUNCIL MEETINGS
GUIDELINES AND PROCEDURES

WHEREAS, pursuant to the Charter of the City of Englewood, the Council shall adopt rules for its own organization and rules of procedure pertaining to protocols and procedures for conduct of Council meetings; and

WHEREAS, governance of Council Meetings and the conduct of the Mayor and the Council Members at those meetings and during debate is a fundamental structure in any legislative body, including the Council of the City of Englewood, and it is the duty of the City Council to set policies and guidelines to create a structure that will allow the orderly and efficient conduct of a meeting and through it the ordered performance of the City's business; and

WHEREAS, the Council desires to fulfill its responsibilities to have a thorough, efficient and reasonable meeting that is properly recorded in the minutes and governed by basic guidelines for civility, courtesy and orderly discourse as prescribed by the City Charter and through it Robert's Rules of Order; and

WHEREAS, the Administrative Code for the City of Englewood likewise provides that the order of business and all matters pertaining to the conduct of Council meetings shall be as prescribed by Resolution adopted by the Council; and

WHEREAS, to this end it is the desire of the Mayor and Council to set forth common rules and procedures for decorum in debate, ordered deliberation and to provide for constructive and democratic meetings which will enhance the ability of the Mayor and Council to conduct the business of the City of Englewood in a fully informed and professional fashion; and

NOW, THEREFORE, BE IT RESOLVED that in addition to and in furtherance of the rules prescribed under the City Charter and Robert's Rules of Order the following rules governing the conduct and the decorum at all meetings of the Mayor and Council shall be:

1. Applicability of Rules. The rules prescribing the conduct, protocol and decorum at all meetings of the City Council shall apply to all members of the City Council, the Mayor, all other officials on the dais including but not limited to the City Manager and the City Clerk. In addition, the rules shall apply to all department heads and other City employees who may be testifying before the Council or otherwise participating in a meeting of the Council.
2. Speaking time. To allow for an orderly meeting, after a motion is made and seconded the Mayor or a Council member may speak for a period not to exceed 10 minutes on the specific question presented. In the instance where the Mayor and all Council members have spoken on a specific question then at that point if the Mayor or a Council member wishes to speak again, he or she may do so after obtaining permission through the Chairperson and may speak for a period not to exceed 5 minutes. Upon closing the deliberations by the Chairperson there shall be no further comment except for a vote of yes or no on the motion presently pending.
3. The Council President as Chairperson conducts the meeting and each Council member or the Mayor must be recognized by the Chairperson in order to speak.
4. As in other deliberative legislative bodies including the New Jersey Senate and General Assembly, the Mayor or Council member's remarks must be germane to the subject matter of the question before the Council.
5. When a question is pending, the Mayor or Council member may speak out strongly against the measure or question but he or she cannot, under any circumstances attack or question the motives of another Council member or the Mayor or other person on the dais. As Robert's Rules states, "the measure, not the [person], is the subject of debate."

E.g. if the Mayor or a Council member disagrees with a statement made by another Council member or the Mayor which he or she believes to be false, he or she might say, "I believe there is strong evidence that the member is mistaken". The moment the Council President hears such words as "fraud", "liar" or "lie", "blackmail", etc. used about the Mayor or a Council member in debate, he/she must act immediately and decisively to correct the matter and prevent its repetition.

6. The Mayor or a Council member may not engage in "ad hominem" attacks against any other Council member or the Mayor, participant or member of the public present. Such attacks include accusatory language, name calling, profanity, language which is determined in the opinion of the Chair to be an ad hominem attack.

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

Mayor and Council comments on Resolution #096-04-23-13:

- Councilman Skurnick feels this resolution adds new and extraordinary powers to the Council President and will impact this and future Councils. Council president sits in judgment of what is germane and this will stifle free flowing discussions and this will repress debate.
- Councilwoman Algrant does not see the Resolution in the same way as Councilman Skurnick does. The Council does not hold professional and orderly meetings and cannot get the business of the City done. Going into Closed Session at 11PM is too late and the Council is not at their best at that late hour. Also making the Public wait until late in the evening to speak is unfair.
- Councilman Skurnick said that we have gotten through two recent meetings rather quickly and feels who is sitting in the Council President seat makes the difference.

RESOLUTION #097-04-23-13

**AUTHORIZING AWARD OF CONTRACT FOR
WEST PALISADE AVENUE INFRASTRUCTURE IMPROVEMENTS, PROJECT 111222**

WHEREAS, sealed bids were received on April 18, 2013 for the West Palisade Avenue Infrastructure Improvement Project #111222 in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids were received from ten (10) bidders listed on the attached Bid Summary Sheet; and

WHEREAS, the bid submitted by Cifelli & Son General Construction, Inc., 4 Coppola Street, Nutley, New Jersey 07110 for the sum of \$944,627.00 was determined to be the low bid and is in compliance with the specifications; and based upon the recommendation of the City Engineer, can be accepted by the City Council; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds will be available once the 2013 multi-purpose capital bond ordinance is approved and the necessary 20 day Estoppel period has ceased. Introduction/ First Reading scheduled for the City Council meeting of April 23, 2013. The Second Reading/Public Hearing would be held at the May 7th City Council meeting with the Estoppel period beginning immediately upon publication of the adopted multi-purpose capital bond ordinance as required by law; and

WHEREAS, this bid is awarded according to a fair and open process pursuant to PL 2004, c.19;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by Cifelli & Son General Construction, Inc., 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 Cifelli & Son General Construction, Inc., for the West Palisade Avenue Infrastructure Improvement Project #111222 in accordance with the specifications therefore.

BE IT FURTHER RESOLVED that subject to the availability of funds therefore, the City Manager is authorized to approve change orders in a sum not to exceed 20% of the contract price.

Funding for this project is available from the following sources:

- Ordinance 07-01(b)
- 10-18(a)
- 10-18 (b)
- Pending 2013 capitol bond ordinance
- CDBG Funding

| 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 #098-04-23-13

**AUTHORIZING AWARD OF CONTRACT FOR
LINCOLN STREET RECONSTRUCTION, PROJECT 111225**

WHEREAS, sealed bids were received on April 18, 2013 for the Lincoln Street Reconstruction Project #111225 in

accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids were received from nine (9) bidders listed on the attached Bid Summary Sheet; and

WHEREAS, the bid submitted by Zuccaro & Sons, Inc., 64 Commerce Street, Garfield, New Jersey 07026 for the sum of \$539,502.00 was determined to be the low bid and is in compliance with the specifications; and based upon the recommendation of the City Engineer, can be accepted by the City Council; and

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

WHEREAS, this bid is awarded according to a fair and open process pursuant to PL 2004, c.19;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by Zuccaro & Sons, Inc. 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 Zuccaro & Sons, Inc. for the Lincoln Street Reconstruction Project #111225 in accordance with the specifications therefore.

BE IT FURTHER RESOLVED that subject to the availability of funds therefore, the City Manager is authorized to approve change orders in a sum not to exceed 20% of the contract price.

Funding for this project is available from the following sources:

- Ordinance 12-15(b)

| 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 #099-04-23-13

**RESCIND PROFESSIONAL SERVICE CONTRACTS
WITH BIRDSALL SERVICE GROUP
TO PROVIDE SERVICES AS A LICENSED SITE REMEDIATION PROFESSIONAL**

WHEREAS, on March 19, 2013, the City Council authorized the award of three (3) professional services contracts to Birdsall Services Group to provide services as a Licensed Site Remediation Professional for the following projects:

- 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
- Resolution # 077-03-19-13 Award Professional Services Contract to Birdsall Services Group to Serve as a Licensed Site Remediation Professional for 18 Amory Street
- 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 Manager and the City Engineer are recommending that the aforementioned contracts be terminated.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the resolutions adopted by the City Council on March 19, 2013, authorizing the award of three (3) professional services contracts to Birdsall Services Group to provide services as a Licensed Site Remediation Professional for the aforementioned projects are hereby rescinded effective April 24, 2013.

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

RESOLUTION #100-04-23-13

**AWARD PROFESSIONAL SERVICES CONTRACT TO T&M ASSOCIATES TO SERVE AS A LICENSED SITE
REMIEDIATION 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 T & M Associates, 1256 North Church Street, Moorestown, New Jersey 08057 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 \$65,700;

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

Mayor and Council comments on Resolution #100, 101, 102 and 106-04-23-13:

- Councilman Skurnick explained that we are being faced with a Hobson's choice (take it or leave it) when it comes to Pay to Play laws. Birdsall violated the laws and many of the Engineering firms being appointed tonight are Pay to Play contributors as well. If we do not award these contracts then the NJDEP will fine the City for noncompliance. This is not an Englewood problem but a statewide problem. He will be voting "Yes" on these Resolutions so the projects can move forward.
- Councilman Cohen spoke about campaign finance reforms and that there is a need for progressive finance reform.
- Councilman Skurnick spoke about problems in Bergen County and Joe Ferriero. Feels that reform is necessary.

RESOLUTION #101-04-23-13

**AWARD PROFESSIONAL SERVICES CONTRACT TO T&M ASSOCIATES
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 T&M Associates, 1256 North Church Street, Moorestown, New Jersey 08057 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 \$120,200;

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

RESOLUTION #102-04-23-13

**AWARD PROFESSIONAL SERVICES CONTRACT TO
BOSWELL ENGINEERING 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 Boswell Engineering, 330 Phillips Avenue, Hackensack, New Jersey 07606 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 \$25,700;

WHEREAS, Boswell Engineering 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 Boswell Engineering 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 | X | | | |
| <i>Skurnick</i> | | X | | | |
| <i>Cohen</i> | | X | | | |
| <i>Hamer</i> | | X | | | |

RESOLUTION #103-04-23-13

**AUTHORIZING AWARD OF CONTRACT
FOR CLEANING SERVICES**

WHEREAS, quotations were solicited for Cleaning Services for the Public Safety Complex and City Hall from May 1, 2013 to April 30, 2015 in accordance with specifications therefore; and

WHEREAS, quotations were received from seven (7) vendors; and

WHEREAS, the quotation submitted by Best Cleaning Building, 432 A Lincoln Street, Palisades Park, New Jersey 07650 for the annual sum of \$29,400 for the 2013 – 2014 contract year and for the annual sum of \$30,600 for the 2014 – 2015 contract year was determined to be the low quote and is in compliance with the specifications; and based upon the recommendation of the Purchasing Agent, can be accepted by the City Council; and

WHEREAS, this quotation is awarded according to a fair and open process pursuant to PL 2004, c.19;

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 that the quotation submitted by Best Cleaning Building, 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 Best Cleaning Building, for Cleaning Services in accordance with the specifications therefore.

| 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 #104-04-23-13

AUTHORIZE STATE CONTRACT PURCHASE OF A JEEP

WHEREAS, vehicles for use by code enforcement 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) vehicle; 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 A83011 for the purchase of one (1) 2014 Jeep Patriot 4WD 4Door Sport Vehicle for a contract price of \$17,093.

| 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 #105-04-23-13

STATE CONTRACT PURCHASE OF IMAGING SYSTEM FOR DIGITIZING OF RECORDS FOR CODE ENFORCEMENT DEPARTMENT

WHEREAS, the Code Enforcement Department of the City of Englewood sees the need to purchase an Imaging System to provide for the Digitizing of Records in their department in order to provide for a better flow of work and increase productivity and efficiency; and .

WHEREAS, the City of Englewood is a participant in the State Cooperative Purchase program and Imaging Systems to provide for the Digitizing of Records are available for purchase through this program; and

WHEREAS, the initial cost to the City will be \$54,751.40 for the scope of services to include development, installation and training of the imaging system and an annual service fee of \$20,520.00 will be applicable in the following years; and

WHEREAS, the Chief Financial Officer certifies that the money is contained in the 2013 Capital Ordinance and will be available once the ordinance is approved and the required estoppel period has passed.

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 an Imaging System to provide for the Digitizing of Records for the Code Enforcement Department administered by the Central Non Profit Agenda (C N A) located at 150 West State Street, Suite 120, Trenton, New Jersey 08608 under State Contracts A-89099, T-1818 and Amendment #19 and managed by Bright Star Scanning Corp. located at 550 Broad Street, Suite 802, Newark, New Jersey 07102.

| 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 #106-04-23-13

AWARD PROFESSIONAL SERVICES CONTRACT TO RSC ARCHITECTS FOR THE PROVISION OF PROFESSIONAL ARCHITECTURAL SERVICES FOR THE NEW FIRE HOUSE

WHEREAS, the City of Englewood requires an architect to provide professional architectural services for the new Fire House. The scope of work will include:

- Phase 1 - Pre-Design
- Phase 2 - Design
- Phase 3 - Construction Documents
- Phase 4 - Bid Phase
- Phase 5 - Construction Administration and Closeout

WHEREAS, on the recommendation of the City Manager and the City Engineer, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to RSC Architects, 596 Anderson Avenue, Suite 202, Cliffside Park, NJ 07010, 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 in the attached proposal is not to exceed a total of \$269,200; and

WHEREAS, RSC Architects 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 from Ordinance 12-20(a).

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 RSC Architects to provide professional architectural services for the new Fire House for the scope of services as stated in the attached proposal;

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

RESOLUTION #107-04-23-13

RESOLUTION ACCEPTING MINUTES

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

CLOSED SESSION

March 19, 2013

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

Public Session:

- Curtis Caviness 41 E. Forest Avenue:
 - Asked City Clerk if the School Board Election has been certified, City Clerk explained that only the County Clerk certifies elections.
 - Agrees with Councilman Skurnick comments on Resolution #096. If the Mayor and City Council follows Robert's Rules of Order then civility would ensue.
 - Disappointed in the vote on the Budget especially in regard to the Trolley service.
- Alva Jones Dubois Court:
 - Asked what is being built on the vacant land on Route 4 West next to the diner.

- Spoke about potholes on S. Van Brunt Street and entrance to Route 4 West.

ADJOURN: 8:55 PM

Motion: Algrant
All in Favor

Lauren Vande Vaarst, RMC
City Clerk