

City of Englewood  
City Council Meeting Minutes  
October 22, 2013

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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 6:30 P.M.

Roll Call: Present: Council member Marc Forman  
Council member Michael Cohen  
Council member Eugene Skurnick  
Council member Wayne Hamer  
Council member Lynne Algrant  
Mayor/Council President Frank Huttle III  
City Attorney William Bailey  
City Manager Timothy Dacey  
City Clerk Lauren Vande Vaarst

President Huttle called the meeting to order.

The City Clerk stated that adequate notice of this meeting was given by the posting, filing and distribution of the notice as required by the Open Public Meetings Act.

Items for Discussion:

- John T. Wright Arena Task Force Presentation – Bruce Prince and Natacha Pannell
  - Short-term goals:
    - Current unsafe conditions at the arena and that it cannot be opened as is. Spoke about volunteers assisting in clean up but it would take months and asked for assistance from the City to get the arena cleaned up and painted in time for a soft opening.
  - Long-term goals:
    - Three (3) types of programs can be run at the arena; Ice based programs (Ice Skating and Hockey), summer programs (Skateboarding and Roller Skating) and Revenue generating programs (Flea Markets, Movie Nights).
  - Action Plans:
    - Branding and promotion
    - Capital Improvements
- Wright Arena Operation Plan- Tim Dacey provided an update on the status of the physical plant, reviewed a memo about the recent Fire Inspection, and discussed a list of items to be completed in order to get the facility up and running. List does not include items from the Fire Inspection because he just received that today but it does include bringing in Eric Davis to get the arena open and the refrigeration on and the estimated cost of the items on the list is \$36,500.
- Councilwoman Algrant inquired as to what items are on the list.
- Mr. Dacey reviewed the list:
  - Service Zamboni \$1,500
  - Start up of Ice \$1,500 and an estimated \$1,000 per month to maintain
  - Paint floor \$3,000
  - Utility Bills \$19,000
  - Board off concession stands and bleachers \$500
  - Need to find a vending machine operator
  - Fix emergency doors \$2,500
- Councilman Skurnick asked if Mr. Dacey could send this list out.
- Councilman Forman asked why there is a possibility of lowering the bids for the flooring and screening projects. Ken Albert explained that the flooring bids and specs have been changed so we should receive more competitive bids, and the support system is being changed for the screening as well as the type of fabric being specified.
- Mayor Huttle thanked Mr. Vogel for doing the repair work on the audio system and scoreboard at the arena.
- Councilman Cohen spoke about the November energy costs being so high and is that due to the warmer weather. Will the arena be able to open in November/
- Mr. Dacey explained that they are looking to get the refrigeration system up and running by November 15<sup>th</sup> so the system can be tested for leaks, etc.

- Councilman Cohen commented that he thought the purpose of the soft opening was to get the arena back in operation and let people know that it is open. Feels that the City needs to get a RFP out for the arena operations as soon as possible.
- Councilman Forman asked who is going to run the arena during the soft opening period.
- Mr. Dacey has interviews set up for the next week with potential operators to run the daily operations during this period. Eric Davis will be handing the mechanicals.
- Councilman Forman clarified with Mr. Dacey that the arena will be open from mid December through March, all revenues go to the City and we will pay the Operator a fee. Need to have a discussion on the content of the RFP soon.
- Councilman Skurnick thanked the Mayor for placing this on tonight's agenda. Mr. Skurnick spoke about the questions emailed by the City Clerk and that he did not respond because Elected Officials are here to govern and deal with details that are for the City Manager. Does not feel it is useful to discuss a RFP at this time and that the City will be more ready to commit to a 5 year contract after the soft opening. Wants to authorize the City Manager to get the arena open and running by mid December and the governing body will provide the funding. The governing body can discuss the RFP in the future.
- Mayor Huttle explained that this meeting is to discuss an operational plan and that the decision to open the arena has already been made.
- Councilwoman Algrant thanked Mr. Dacey for providing the costs for this year's operations. Ms. Algrant would like a nonprofit operator and feels that for the past 30 years, the previous operator profited off of a public facility and she will not allow that to happen again.
- Councilman Cohen commented that the City Clerk needed to ask the Council what they want in regard to an operator, operating hours, percentage of hockey time vs. free skate time and ideas for non ice uses.
- Mayor Huttle reviewed to questions that were sent to the Council:
  - Do the Council members prefer a nonprofit or for profit operator; council members Algrant, Forman and Cohen all prefer nonprofit and Councilman Forman would like the nonprofit to have a proven track record in fund raising. Councilman Hamer does not think that it matters if it is a nonprofit or for profit operator just that the City has to have oversight and involvement especially in crafting an overall plan for the arena.
  - Ideas for non skating uses: Councilwoman Algrant said that anything that gets people into the arena is good, Councilman Forman feels that the arena cannot be used year round programs without significant improvements to the facility but Councilman Skurnick does not feel that this is the time to discuss this because of the large crowd present.
- Mayor Huttle will be calling a special meeting on the arena only.
- Councilman Cohen stated that people are here tonight for the arena issue. He proposes that a Resolution is prepared to have a RFP ready when the arena opens.
- Mayor Huttle understands what Councilman Cohen is saying but he feels there is a need to call a special meeting at a future date to discuss the arena.
- Councilman Cohen feels that a deadline is necessary in order to give operators enough time to prepare their responses.
- Mayor Huttle commented that the RFP needs to get done so that the City Council can review and make a determination on it in early 2014.

Promotion Ceremony:

- Fire Department:
- Lieutenant Jeffery Kaplan to Captain
- Fire Fighter Thomas Dypko to Lieutenant
- Fire Fighter Joseph Hoyle to Lieutenant

RESOLUTION #201-10-22-13

**RESOLUTION ACCEPTING MINUTES**

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

COUNCIL MEETING  
September 24, 2013

CLOSED SESSION MINUTES  
September 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			

**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 \$10,509,701.27.

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

**CONFIRMING APPOINTMENT OF CHIEF OF POLICE**

**WHEREAS**, Police Chief Arthur O’Keefe will be retiring effective December 31, 2013; and

**WHEREAS**, Timothy Dacey, City Manager is recommending the appointment of Lawrence Suffern, the current Deputy Chief of the Police Department, as the new Chief effective January1, 2014; and

**WHEREAS**, Article VI of the City Charter and Chapter 61-3(B) of the City Code of the City of Englewood requires that the appointment of the Chief of Police by the City Manager be confirmed by the City Council; and

**WHEREAS**, Lawrence Suffern has the necessary training, experience, and temperament to provide the proper management of the Police Department and to maintain the public safety for the City of Englewood;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, that the appointment of Lawrence Suffern as the Chief of Police for the City of Englewood at a base salary of \$168,000 per annum effective January1, 2014 is hereby confirmed.

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			

Communications from the Mayor/Council Member

Comments from the City Manager:

- Fuel Depot is moving ahead thanks to Bill Bailey heroic efforts to get PSE&G and the cell tower operator to move their lines.
- The W. Palisade Avenue project is nearing completion and plantings will begin next week and paving over the next two weeks.
- The Nordhoff Place Extension project is also nearing completion and the traffic light is operational but is still covered. Should be open around Thanksgiving.
- The multi-pay stations for the parking garage have been delivered.
- Leaf season has begun and the DPW is asking residents to abide by the schedule when placing leaves at the curb.
- The second part of the Fire Fighter test will be held this Saturday, October 26<sup>th</sup> at the Bergen County Public Safety Academy in Mahwah.
- The switch to the narrow band radio system was completed last week and thanked Deputy Chief Larry Suffern for overseeing that project.
- The Health Fair will be held this Friday, October 25<sup>th</sup> at Englewood Hospital Medical Center from 2pm to 5pm.
- Beginning his Budget discussions with the Department Heads in November so if the Council has anything they would like placed in the 2014 Budget please let him know.

- The empty homes on James Street will be demolished around Thanksgiving so the property owner has alerted the Fire Chief that the Fire Department can use the structures for training.
  - A discussion ensued regarding the current deplorable conditions around the drainage by the CSX railroad tracks.
  - A discussion was held on PSE&G upgrades done in the City since Hurricane Sandy.

ORDINANCE #13-14

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 25-19  
SCHEDULE XI OF THE TRAFFIC AND PARKING ORDINANCE  
OF THE CODE OF THE CITY OF ENGLEWOOD**

**WHEREAS**, Chapter 25, Section 25-19 Schedule XI sets forth time limited parking on certain streets within the City of Englewood; and

**WHEREAS**, the Governing Body of the City of Englewood wishes to amend the aforesaid Section to rescind limitations on time limited parking at designated areas.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Englewood, Bergen County, New Jersey, that Chapter 25-19, Schedule XI is hereby amended as follows:

Chester Place	North	2 hours	8:00 a.m. to 5:00 PM except Saturday	Entire length
Chester Place	South	15 minutes	All day including Sunday and legal holiday	From a point 70 feet east of the eastern curbline of Grand Avenue to a point 20 feet east thereof

**[Added 11-27-2012 by Ord. No. 12-26]**

This Ordinance shall take effect immediately upon final passage and publication as required by law.

FIRST READING DATE: September 24, 2013

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

DATE PUBLISHED IN THE RECORD: September 30, 2013

DATES PUBLIC HEARINGS HELD: October 22, 2013

DATE SECOND READING HELD: October 22, 2013

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

Public Hearing on Ordinance #13-14:  
No one from public came forward to speak

Public Comment on Agenda Items:  
No one from public came forward to speak

RESOLUTION #203-10-22-13

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ENGLEWOOD ON THE DEDICATION AND ADOPTION OF THE SEPTEMBER 11TH MEMORIAL**

**WHEREAS**, on September 11, 2001 the United States was the victim of a sudden, unprovoked, terrorist attack on its homeland that resulted in the destruction of the World Trade Center's iconic Twin Towers, severe damage to the Pentagon in Arlington, Virginia and the crash of United Flight 93 in Shanksville, Pennsylvania; and

**WHEREAS**, the City of Englewood, along with the County of Bergen, the State of New Jersey and the entire United States has suffered greatly from the losses of the terrorist attacks of September 11, 2001; and

**WHEREAS**, eight victims of the tragic events of that fateful day were from the City of Englewood, Michael S. Baksh, Alejandro Castaño, Frank Joseph Doyle, Uhuru G. Houston, Howard L. Kane, Michael Matthew Miller, Frank Bennett Reisman, Alva Cynthia Jeffries Sanchez; and

**WHEREAS**, the City of Englewood had been resolute in its commitment to insure that the Englewood victims were memorialized in a way that would honor their memory and also make known the City's desire to future generations to communicate the importance of never forgetting the events of that day; and

**WHEREAS**, on September 11, 2013 the City of Englewood unveiled its September 11th Memorial located in Veteran's Park on the 12th anniversary of the terrorist attacks that occurred on September 11, 2001 which forever changed our Community and our Country; and

**WHEREAS**, this Memorial stands as a physical manifestation of the City of Englewood and its resident's desire to honor both the heroes and the victims of the horrific events that unfolded on September 11<sup>th</sup>; and

**WHEREAS**, this Memorial has been consecrated and shall be henceforth know to all as forever hallowed and sacred ground within the City of Englewood in order to faithfully honor those to whom it has been dedicated; and

**WHEREAS**, as part of this sacred promise the City of Englewood makes this formal commitment as part of the dedication of the Memorial, to provide for the upkeep and maintenance through City resources of the September 11<sup>th</sup> Memorial in perpetuity;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the City Council of the City of Englewood that they hereby officially dedicate the City of Englewood's September 11th Memorial as a sacred place of reflection and a pillar of remembrance for all time of the events of that tragic day; and

**BE IT FURTHER RESOLVED** that the Mayor and the City Council of the City of Englewood in keeping with and as part of this dedication also commit the City to provide for its perpetual care, maintenance and preservation for generations to come.

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 #204-10-22-13

**AUTHORIZING AWARD OF CONTRACT FOR  
GRAND AVENUE DRAINAGE IMPROVEMENTS PROJECT NUMBER 111308**

**WHEREAS**, sealed bids were received on October 8, 2013 for the Grand Avenue Drainage Improvements, Project No. 111308 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 Gotthold Paving, LLC, PO Box 205, Edgewater, New Jersey 07020 for the sum of \$34,970.00 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 Gotthold Paving, 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 Gotthold Paving, LLC, for the Grand Avenue Drainage Improvements, Project No. 111308 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 13-06 (3)

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 #205-10-22-13

**AUTHORIZE REJECTION OF BIDS FOR WRIGHT ARENA FLOORING REPLACEMENT, PROJECT NO. 111332**

**WHEREAS**, sealed bids were received on October 17, 2013, for the Wright Arena Flooring Replacement, Project No. 111332 in accordance with specifications therefore and following public advertisement thereof pursuant to law; and

**WHEREAS**, four (4) vendors' bids were properly received and opened, but the amount of the bids exceeded the budgeted amount for the project; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, New Jersey, that the bids received for the Wright Arena Flooring Replacement, Project No. 111332 be rejected and that the Wright Arena Flooring Replacement, Project No. 111332 be rebid in accordance with specifications therefore and following public advertisement thereof pursuant to law.

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 #206-10-22-13

**AUTHORIZE REJECTION OF BIDS FOR WRIGHT ARENA SCREENING, PROJECT NO. 111331**

**WHEREAS**, sealed bids were received on October 17, 2013, for the Wright Arena Screening, Project No. 111331 in accordance with specifications therefore and following public advertisement thereof pursuant to law; and

**WHEREAS**, three (3) vendors' bids were properly received and opened, but the amount of the bids exceeded the budgeted amount for the project; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, New Jersey, that the bids received for the Wright Arena Screening, Project No. 111331 be rejected and that the Wright Arena Screening, Project No. 111331 be rebid in accordance with specifications therefore and following public advertisement thereof pursuant to law.

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 #207-10-22-13

**AUTHORIZE SOUTHEAST SENIOR CENTER FOR INDEPENDENT LIVING APPLICATION FOR BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

**WHEREAS**, a Bergen County Community Development grant of \$210,196 has been proposed by Southeast Senior Center for Independent Living for Operating Expenses in the City of Englewood; and

**WHEREAS**, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a

municipality without authorization by the City Council; and

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

**WHEREAS**, this resolution does not obligate the financial resources of the City and is intended solely to expedite expenditure of the aforesaid Community Development funds;

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

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

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 #208-10-22-13

**AUTHORIZE BERGEN FAMILY CENTER  
APPLICATION FOR BERGEN COUNTY  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

**WHEREAS**, a Bergen County Community Development grant of \$20,000 has been proposed by Bergen Family Center to continue the Armory Street Family Intervention Project in the City of Englewood; and

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

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

**WHEREAS**, this resolution does not obligate the financial resources of the City and is intended solely to expedite expenditure of the aforesaid Community Development funds;

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

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

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 #209-10-22-13

**REFUNDS DUE TO STATE TAX APPEALS**

**WHEREAS**, a judgment has been received from the Tax Court of New Jersey for the following Block and Lots in the City of Englewood; and

**WHEREAS**, the said judgments have created and overpayment on the tax account listed for said years;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, in the County of Bergen, State of New Jersey, that the Chief Financial Officer be and he is hereby authorized to refund overpayment of the property taxes in the amount of \$124,162.50 for said years due to successful tax court judgments.

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 #210-10-22-13

**REFUND DUE TO TAX OVERPAYMENT**

**WHEREAS**, it has been determined by the Tax Collector that the taxpayer for Block 2605, Lot 2.03, Qual. C0422 is entitled to a tax overpayment refund, and;

**WHEREAS**, it is the desire of the City Council to have this overpayment returned to the respective taxpayer;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, in the County of Bergen, State of New Jersey, the Chief Financial Officer be and he is hereby authorized to refund the overpayment of property taxes in the amount of \$4,673.40 to Bella J. Baker, 4422 Riverview Avenue, Englewood, NJ 07631.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Tax Collector and Finance Officer.

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 #211-10-22-13

**REFUNDS DUE TO DISABLED VETERAN**

**WHEREAS**, Mr. Victor Vasquez, has filed an application for a Property Tax Exemption for a Disabled Veteran with proper supporting documentation thus making him eligible for an exemption on property taxes as of July 8, 2013.

**WHEREAS**, Mr. Vasquez having satisfied his property tax obligations for the third quarter of 2013 now reflects an overpayment of \$1,506.37

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Englewood, County of Bergen, State of New Jersey, hereby authorize the Chief Financial Officer to issue a check in the amount of \$1,506.37 to Mr. Victor Vasquez, 400 Shannon Court, Englewood, NJ , also known as Block 408, Lot 29; and,

**BE IT FINALLY RESOLVED**, that a certified copy of this Resolution be forwarded to the Tax Collector.

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 #212-10-22-13

**RESOLUTION AUTHORIZING WAIVER OF DOWNTOWN PARKING METER FEES DURING THE HOLIDAY SEASON**

**WHEREAS**, the 2013 Holiday shopping season is rapidly approaching; and

**WHEREAS**, in order to assist in the promotion of Holiday shopping in Englewood's Downtown during this season and to support the merchants that all Downtown parking meter fees will be waived from December 14<sup>th</sup> through 28<sup>th</sup>, 2013.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, New Jersey, that all Downtown parking meter fees shall be waived during the 2013 Holiday shopping season from December 14<sup>th</sup> through 28<sup>th</sup>, 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 #214-10-22-13

**AUTHORIZE BERGENPAC  
APPLICATION FOR BERGEN COUNTY  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

**WHEREAS**, a Bergen County Community Development grant of \$1,031,000 has been proposed by bergenPAC to provide barrier free improvements with the installation of elevator and bathrooms at their facility in the City of Englewood; and

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

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

**WHEREAS**, this resolution does not obligate the financial resources of the City and is intended solely to expedite expenditure of the aforesaid Community Development funds;

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

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

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 #215-10-22-13

**AWARD PROFESSIONAL SERVICES CONTRACT TO ACACIA FINANCIAL GROUP, INC. TO SERVE AS  
FINANCIAL ADVISORS FOR THE CITY OF ENGLEWOOD**

**WHEREAS**, the City of Englewood has the need for professional financial advisors and to assist in issuing long term debt to replace some short term notes in early 2014. The scope of work will include:

- Bond Issuances and Structuring
- Cash-flow/ Rate Modeling
- Market Monitoring
- Debt Management policy
- Rating Strategies
- Credit Enhancement

**WHEREAS**, on the recommendation of the City Manager, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to Acacia Financial Group, Inc., 26 Park Street, Suite 2010, Montclair, New Jersey 07042 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 \$36,000 for a one-year contract;

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

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available to award this contract 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 Acacia Financial Group, Inc to serve as professional financial advisors for the City of Englewood;

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

Mayor and Council comments on Resolution #215-10-22-13:

- Tim Dacey reviewed this resolution and explained that the proposal was included in last week's Weekly Update. This is in regard to the \$36 million dollars in long term financing that the City needs assistance with. The City has to take this to Moody's and needs to retain its AA Rating.
- Councilman Skurnick asked why we are doing this because the City never did this before.
- Mayor Huttle commented that the City had never done this before because the prior City Council was playing with the interest rates and financed debt short term rather than long term. The City is carrying too much short term debt and is obligated to convert it to long term financing. If financial market conditions change and interest rates rise then the City will have to carry the higher interest rates and that would put a huge burden on the taxpayers. Financial advisors are needed to determine the ration of short term debt to long term debt and whether it is taxable or non taxable. This is the biggest financial issue facing the City and Bond Counsel is not the appropriate entity to assist the City with and we need competent financial advice.
- Councilman Skurnick asked if we got competitive bids.
- Bill Bailey explained that this is a Professional Service and is exempt from bidding as per State public contracts law.
- Councilman Forman asked if we pay both principle and interest on BANS, Mr. Dacey explained that we do.
- Mayor Huttle explained that rates adjust daily and Mr. Dacey stated it well when he said that if Congress had let the country go over the fiscal cliff then the City would have gotten crushed by the rising interest rates.
- Councilman Cohen commented that the RFP was not necessary and get what you pay for. The quality of the work is what is most important.
- Mr. Dacey said that he has worked with them before and they do a very good job.
- Councilman Cohen asked how long the City has had AA rating, and what can we do to improve our rating to AAA. Mr. Dacey explained that the Auditor has recommended that we convert the short term debt to long term debt. Mr. Cohen wants a further discussion on this.
- Mayor Huttle explained that AA rating is investment grade and excellent. This is what most municipalities have and it is difficult for them to get AAA.
- Councilwoman Algrant pointed out that it is not accurate that this firm has not done any work in Bergen County since one of the clients listed is the Bergen County Improvement Authority (BCIA) which Mr. Skurnick has suggested that we use to handle the converting of the short term debt into long term. Mr. Dacey explained that the BCIA is not the right entity to handle this type of work.
- Councilman Cohen asked about the timeline to deal with the short term debt and Mr. Dacey explained that the work needs to be done in the first quarter of 2014.

**Public Session:**

- Alva Jones 87 DuBois Court:
  - Mentioned a pothole on Englewood Avenue between Dean and Grand by Goodyear.
  - Spoke about the importance of music programs in the schools.
- Rosie Rivera, owner of Rosie's Weenie Wagon:
  - Asked the status of the ordinance. Mr. Bailey explained that a draft ordinance was discussed at the previous Work shop meeting. An updated version of the draft will be further discussed at the November Work shop, and hopefully it can be introduced in November and adopted in December.
- James Mosley, 115 W. Hudson Avenue:
  - Spoke about Rosie's Weenie Wagon providing a service on a street where there are not many restaurants. Food is good and fast, like a cart from NYC. He made up a list of what is good about Rosie's and asked if the City can change its law.
  - Thanked Assemblywoman Huttler for her anti bullying Work shop.
- Leen Mosley, 115 W. Hudson Avenue:
  - City should tell Rosie if she can continue to work while the law is being revised.
  - Spoke about the cable company not supplying the City with a studio, etc. and City should negotiate for this. Mr. Bailey explained that since 1996 the FCC law prohibits negotiations with the cable companies and there is nothing the City can do now.
- Ira Marlowe Honeck Street:
  - Spoke about the dual tax sale in Englewood this year. Mr. Dacey explained that this year a tax sale was held in June for 2012 property taxes & the tax sale in December will be for the 2013 property taxes. Going forward the tax sale will be held in December for the current year's taxes. For the June 2012 tax sale there was 48 tax payers affected.
- Shirley Smith 374 W. Palisade Avenue:
  - Directed her comments to Councilmen Skurnick and Hamer and invited them to come and walk the area and observe.
    - When will the islands be replanted?
    - Bus shed should be replaced; it has been gone for 4 years.
    - There is no police presence on the street.
    - When are the streets going to be repaved?
  - Frantz Volcy, Assistant City Engineer explained that due to a lack of rain, planting will not begin until next week. The healthy trees in the islands will not be removed. Repaving will take place the week of November 4<sup>th</sup>. Bus stop will not be restored at the former location and will be moved closer to the monument.
- Lucy Walker 313 Washington Place:
  - Mentioned that the trees were always too large for the islands on W. Palisade Avenue, and the mums planted in the containers on Palisade Avenue were not planted correctly.
  - Spoke to Councilwoman Algrant about her promise to conduct a survey regarding Internet access. Feel it is even more important now that the middle and high schools have gone paperless.
- Sandy Greenberg 449 Liberty Road:
  - Glad that Councilman Hamer mentioned Mr. Boone's passing earlier.
  - Thanked Councilman Skurnick for mentioning the Art Festival that used to be held in the City.
  - Grieco School received a \$1,000 environmental grant and two Dwight Morrow High School students will be in the Macy's Thanksgiving Day Parade.
  - Spoke about a local opera company that will soon be celebrating their 25<sup>th</sup> Anniversary.
  - Wished the Mayor good luck in trying to get CSX to clean the railroad tracks, will not be easy.
  - Vision Cable was the original cable provider for Englewood.
  - Debt will be reduced when the City sells the Lincoln School.

RESOLUTION #216-10-22-13

**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:

Personnel and Contract Negotiations

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

- ( ) Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law.

- ( ) Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds.
- ( ) Sub-section 3 involving disclosure of material which would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved.
- ( ) Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions, and negotiations thereof.
- ( ) Sub-section 5 dealing with the acquisition of real property, the settling of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest.
- ( ) Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law.
- (X) Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege.
- (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.

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

**ADJOURN: 10:25 PM**

Motion: Algrant  
All in Favor

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Lauren Vande Vaarst, RMC  
City Clerk