

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

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

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

ROLL CALL: Present: Council member Marc Forman  
Council member Michael Cohen  
Council member Eugene Skurnick (7:50PM)  
Council member Wayne Hamer  
Mayor/Council President Frank Huttle III  
City Attorney William Bailey  
City Manager Timothy Dacey  
City Clerk Lauren Vande Vaarst

Absent: Council member Lynne Algrant

President Huttle called the meeting to order.

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

Vote to Add Agenda Item:

Resolution #221-11-12-13 Award Professional Services Contract to Alexander H. Carver, III to serve as an Investigator for Personnel Matters for the City Of Englewood

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

Resolutions for Vote:

- Ken Albert, City Engineer reviewed Resolutions #217 and 218:
  - Resolution #217, a quality flooring surface will be used that will cover more area and should be installed by the end of November.
    - Councilman Forman asked about the disparity in pricing between the two bids and if the quality of the products used will be the same. Mr. Albert stated that he is confident that the winning bid has a good number.
  - Resolutions #218, Mr. Albert explained that the City had previously gone out for bid on this project 3 times; the State is allowing the City to negotiate a price for the project.
    - Councilman Forman again asked about the huge disparity in pricing between the two bids. Mr. Albert explained that the work can be done for a lower price and his office will work closely with the installer.
    - Councilman Hamer asked if the installer will have a problem with the installation process. Mr. Albert said that with his office directing them it will be fine.
- Tim Dacey, City Manager reviewed Resolutions #219 through 221:
  - Councilman Skurnick asked questions regarding various line items in Resolution #220.

Public Comment on Agenda Items:

- Elle Kelly 350 Shepard Avenue:
  - Asked how Resolution #221 was added to the agenda.

RESOLUTION #217-11-12-13

**AUTHORIZING AWARD OF CONTRACT FOR WRIGHT ARENA FLOORING REPLACEMENT, PROJECT NO. 111332**

**WHEREAS**, sealed bids were received on November 7, 2013 for the Wright Arena Flooring Replacement, Project No. 111332 in accordance with specifications therefore and following public advertisement; and

**WHEREAS**, specifications were sent and responsible bids were received from three (3) bidders listed on the attached Bid Summary Sheet; and

**WHEREAS**, the bid submitted by North Eastern Hardwood Floors, 447 Commerce Lane, Unit A, West Berlin New Jersey 08091 for the sum of \$65,442. 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 North Eastern Hardwood Floors, 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 North Eastern Hardwood Floors, for the Wright Arena Flooring Replacement, Project No. 111332 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 13-11A

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

RESOLUTION #218-11-12-13

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

**WHEREAS**, sealed bids were received on November 7, 2013, for the Wright Arena Screening, Project No. 111331 in accordance with specifications therefore and following public advertisement thereof pursuant to law; and

**WHEREAS**, the Wright Arena Screening, Project No. 111331 had been bid on two previous occasions; and

**WHEREAS**, the first time on September 12, 2013 no bidders responded; and

**WHEREAS**, the second time on October 17, 2013 three (3) bids were received and all were rejected as they exceeded the budgeted amount for this project; and

**WHEREAS**, the third time on November 7, 2013 two (2) vendors' bids were properly received and opened, but the amount of both 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 negotiated in accordance with specifications therefore pursuant to law.

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

**AWARD PROFESSIONAL SERVICES CONTRACT TO HFF L.P. TO PROVIDE  
PROPERTY VALUATION OF DEVELOPMENT SITES FOR THE CITY OF ENGLEWOOD**

**WHEREAS**, the City of Englewood has the need for a professional Broker's Opinion of Value and assistance with the negotiation process for the sale of the Lincoln School and Firehouse development sites located in the City of Englewood; and

**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 HFF L.P., 200 Campus Drive, Suite 410, Florham Park, NJ 07932 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 fee for this contract and for the scope of services as stated above and in the attached proposal, will be 1.25% of the final purchase price of the development sites; and

**WHEREAS**, HFF L.P. 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 HFF L.P. to provide a valuation and assistance with the negotiation process for the sale of the Lincoln School and Firehouse development sites 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>					<b>X</b>
<i>Forman</i>	<b>X</b>	<b>X</b>			
<i>Skurnick</i>		<b>X</b>			
<i>Cohen</i>		<b>X</b>			
<i>Hamer</i>		<b>X</b>			

**AUTHORIZE BUDGET TRANSFERS FOR BUDGET YEAR 2013**

**WHEREAS**, N.J.S.A. 40A:4-58 provides that budget transfers must take place prior to December 31, 2013 for the 2013 Budget; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, County of Bergen, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) that the Chief Financial Officer is hereby authorized to make transfers from Current Fund Budget accounts for the year 2013 where a deficit would possibly occur on or before December 31, 2013 pursuant to and in accordance with provisions in N.J.S.A. 40A:4-58 and according to the schedule attached hereto.

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

**AWARD PROFESSIONAL SERVICES CONTRACT TO ALEXANDER H. CARVER, III TO SERVE AS AN INVESTIGATOR FOR PERSONNEL MATTERS FOR THE CITY OF ENGLEWOOD**

**WHEREAS**, the City of Englewood is in need of the services of an investigator for personnel matters; and

**WHEREAS**, the City Council has determined, based on professional experience, expertise, and reputation, to appoint and award a contract for such services to Alexander H. Carver, III of the firm Harwood Lloyd, 130 Main Street, Hackensack, New Jersey 07601 pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

**WHEREAS**, the parties wish to mutually set forth the compensation and terms and conditions regarding such appointment; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) authorizes the execution of such professional services contract without competitive bidding; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available for this purpose pursuant to the 2013 budget of the City of Englewood.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, New Jersey, pursuant to N.J.S.A. 40A:11-5, that Alexander H. Carver, III is hereby appointed to review and investigate personnel matters and that the City Manager is hereby authorized to execute, and the City Clerk to attest, an agreement between the City of Englewood and Alexander H. Carver, III setting forth the duties, compensation at a rate of \$400.00 per hour and it is anticipated that said contract will not exceed \$10,000 in the 2013 operating year; and

**BE IT FURTHER RESOLVED** that a copy of the within resolution together with a copy of the Agreement shall be on file in the Office of the City Clerk and shall 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			

Resolutions for Discussion:

- Refunds Due to County Board of Taxation Appeals
- Refund Due to Tax Overpayment
- Refunds Due to State Tax Appeals
- Authorize Flat Rock Brook Nature Association Application for Bergen County Community Development Block Grant Funds
- Authorize American Legion, Henry Douglas Post #58 Application for Bergen County Community Development Block Grant Funds
- Authorize Center for Food Action in NJ Application for Bergen County Community Development Block Grant Funds
- Confirm Endorsement Of Center For Food Action in NJ Application for Bergen County Home Investment Partnerships-Security Deposit Assistance Program
- Authorize Calvary Cares CDC, Inc. Application for Bergen County Community Development Block Grant Funds
- Authorize Infant Senior Sharing Project, Inc. Application for Bergen County Community Development Block Grant Funds
- Authorize Urban League for Bergen County Application for Bergen County Community Development Block Grant Funds
- Authorize Women's Rights Information Center for Application Bergen County Community Development Block Grant Funds for Shared Housing Program
- Authorize Women's Rights Information Center Application for Bergen County Community Development Block Grant Funds for Help for Enterprising Women Program
- Authorize Vincente K. Tibbs Center Application for Bergen County Community Development Block Grant Funds
- Authorize City of Englewood Application for Bergen County Community Development Block Grant Funds
- Authorize City of Englewood Health Department Application for Bergen County Community Development Block Grant Funds

Ordinances for Discussion:

- Amend Peddler's License (Mobile Food Vendors):

- Bill Bailey reviewed and explained the draft ordinance:
- Mayor and Council comments:
  - Councilman Skurnick spoke about the Mobile Food Trucks as compared to pre-packaged food trucks and ice cream vendors.
  - Councilman Forman asked how limitations on the number of licenses per location.
  - Councilman Skurnick spoke about issuing permits without requiring the operator to get permission of the property owner.
  - Councilman Hamer asked where the hot dog truck is located. Mr. Bailey explained that it is currently on CSX property in the City Right of Way. Mr. Hamer also feels it is too big of a burden to place on the vendor to get permission of the property owner.
  - Councilman Cohen commented that the brick and mortar establishments need to be our priority.
  - Councilman Forman said that we cannot write an ordinance just for one person.
  - Councilman Skurnick feels there is enough in the proposed ordinance to just restrict the Mobile Food Trucks to South of Route 4. Feels that the City should not issue a permit and the Health department should oversee this.
  - Mr. Dacey spoke about the proposed Light Rail project and that is the spot where the location of the station is planned.
  - Councilman Skurnick feels that this is a nonstarter and that the City is shutting her down.
  - Mr. Dacey asked that the Mayor and Council send their comments regarding this ordinance to him and Bill.
- Bond Ordinance- Overpeck Creek Channel Wall Replacement Project Phase II
  - Will be placed on the agenda for Introduction at the November 26, 2013 meeting.

#### Items for Discussion:

- Palisade Avenue Security Surveillance Camera System:
  - Chief O'Keefe asked if the Mayor and Council had any further questions regarding this.
  - Councilman Skurnick asked if the Chief has received any documents endorsing this project from the Englewood Chamber of Commerce. The Chief said that he had and also Marc Farrand from the bergenPAC was here this evening in support of the cameras. Mr. Dacey commented that the endorsement email from the Englewood Chamber of Commerce was forwarded to the Council and he directed the City Clerk to resend.
  - Councilman Forman asked if cameras are going to be installed in the parking garage. Chief O'Keefe explained that he did not plan to limit where the cameras are going but just wanted to use the Downtown as a starting point. Willing to incorporate other areas as the parking garage and Mackay Park. Mr. Forman asked if the parking garage can be included during this phase and how many cameras would be needed. The Chief said that it can be included at this initial stage and eight (8) cameras are recommended.
  - Councilman Cohen asked how Madison Park could be included. Asher Forst, IT consultant explained that wireless access points would be utilized to communicate with cameras installed at the park. These access points can also be placed in police cars which would then become mobile wireless access points.
  - Councilman Hamer is concerned with privacy and is somewhat okay with the idea of cameras in the Central Business District. Chief O'Keefe commented that he also has some concerns which he why he wants to start the project in a centralized location and work the kinks out. Mr. Hamer prefers to go slow with an expansion and implementation of the project.
  - Chief O'Keefe spoke about Palisade Court has had a private camera surveillance system in place since they opened and most people are not even aware of that.
  - Mayor Huttel feels strongly that police officers walking in the downtown and that the cameras should not be used as a replacement for a police presence.
  - Mr. Dacey explained that it is essentially the same package being proposed with the addition of the parking garage and Mackay Park.

#### Public Session:

- Elle Kelly 350 Shepard Avenue:
  - Questioned the effect of radiation from the camera system on police officers and children in the area.
  - Spoke about mobile food vendors and veterans peddlers' licenses. Does not want the City to restrict lunch wagons and ice cream peddlers.
  - Brought up the issue that a neighbor is having with their taxes.
  - Asked what type of flooring is being put in Wright Arena.
- Sandy Greenberg 449 Liberty Road:
  - Mentioned that the City may want to use the City's fast food ordinance as an example of how to amend the food vendor's ordinance.
  - Spoke about the abortion clinic and that she is concerned with people being harassed there.
  - Not really comfortable with surveillance cameras going up in the City and thinks that maybe there should be a policy committee to discuss this.
- Carleen Chance First Street:
  - Spoke about the surveillance cameras and privacy issues. Asked where the footage is sent to and how long it would be kept. Chief O'Keefe explained that the video would go to dedicated servers at the Police Department

and not be held for longer than 90 days. Ms. Chance also wants to know why Englewood has to be the first town to get cameras.

- James Irwin Decatur Avenue:
  - There should be more discussions regarding the cameras and they could also be held at various locations so that more residents can attend. Asked if the cameras will be used to detect criminal behavior or traffic issues. Chief O'Keefe stated that the cameras will be used to for criminal matters not traffic issues. Mr. Irwin then spoke about a past violent incident.
  - Asked if the funding that the City is receiving for the cameras could be used for other crime deterrent programs rather than the cameras. The Chief said that it can only be used for the cameras, and that the City does have other crime deterrent programs currently in place.
  - Stated that as a Realtor he feels that the cameras are not a good idea and sends the wrong message. The City should not rush into this just because the Chief wants this to be his legacy.
- Russ Kotopoulos, Esq. attorney representing Metropolitan Medical Associates, 40 Engle Street:
  - Spoke about the situation getting much worse with the protesters. Thanked the Police Chief and Bill Bailey for all of their efforts. A discussion ensued about the situation and the City's ordinances which govern mechanical amplification. Mr. Bailey explained that it is not a cut and dry situation where you can simply say here is the ordinance and go enforce it. Mayor Huttle spoke about his desire to protect everyone's rights within the confines of the law.
- Dr. Nicholas Kotopoulos, physician at Metropolitan Medical Associates:
  - Read a prepared statement and asked for help with the out of control protesters.
- Dr. Bruce Tisch, Englewood resident and physician at Metropolitan Medical Associates:
  - Spoke about difficult ongoing situation and that there has been a decided escalation of the protests. Chief O'Keefe spoke about the situation and the ambiguity of the City's ordinances and the need to revise the ordinances. Mr. Bailey would like to go into Closed Session to discuss this further. Mayor Huttle said that the City ordinances will be reviewed and updated where necessary.

RESOLUTION #222-11-12-13

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

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

Litigation and Contract Negotiations

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

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

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

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

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

**ADJOURN: 10:15 PM**

Motion: Forman  
All in Favor

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Lauren Vande Vaarst, RMC  
City Clerk