

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

**December 3, 2013 at 7:30pm**

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A Workshop Meeting of the Mayor and Council of the City of Englewood, Bergen County, New Jersey, was held in the Municipal Court in the Public Safety Building commencing at 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 (7:50PM)  
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.

Presentation of New Firehouse Design:

- o Mayor Huttle and Ken Albert reviewed
- o Jeffrey Schlecht and Brian Nathanson, RSC Architects presented preliminary design.
  - Worked with representatives of the Englewood Fire Department and reviewed current site in order to prepare preliminary design.
  - Current firehouse is non compliant with current codes and ADA requirements.
  - The new firehouse will be located at South Van Brunt Street and Jay Street with the pedestrian entrance and departmental vehicle access on S. Van Brunt and a drive in entrance will be located on Jay Street.
  - Floor plans were reviewed with the following on the first floor:
    - S. Van Brunt side:
      - o 4 vehicle bays
      - o Apparatus room
      - o Public entrance
    - Jay Street:
      - o Personnel entrance
      - o Day room
      - o Fitness room
      - o Mechanical room
      - o Stairs and elevator
      - o Decontamination rooms (set of 3)
  - Floor plans were reviewed with the following on the second floor:
    - Fire Prevention Bureau and Training Room
    - Administrative and Living Quarters (officers and rank & file are separate)
    - Restrooms to be shared for Administrative and Living Quarters
    - Separate facilities for women fire fighters that do not exist in current facility
- o Mayor and Council comments:
  - Councilman Cohen asked if the floor plans could be provided to the Mayor and Council.
  - Councilman Forman asked what is the square footage of the preliminary design (22,700 sq ft) as compared to the current firehouse (12, 500 sq ft).
  - Fire Chief Gerald Marion reviewed the vehicles that are to be kept in the bays.
  - Councilwoman Algrant spoke about keeping vehicles inside so they can be ready to use at a moment's notice.
  - Councilman Hamer asked about perimeter security and safety and if it will be better at this facility. Chief Marion and Ken Albert reviewed this.
  - Councilwoman Algrant asked if there will be a traffic light placed there. Mr. Albert explained that intersection work and traffic controls will be put into place. Ms. Algrant also asked why the decontamination rooms are not being located on the backside of the building; Mr. Albert explained they are being located as to maximize the usage of the facility. Ms. Algrant asked about an exhaust system for the garage. Chief Marion explained that an exhaust system is placed in the trucks themselves because it is more efficient and takes up less space and it is a State requirement to purchase this for the trucks. It was also explained that the new firehouse will be set back from S. Van Brunt Street with a large apron.

- Councilman Forman asked what the estimated construction time would be; Mr. Albert said approximately 14 months from shovel in the ground to completion with 60 days for the Bid phase and 90 days for the Design Phase for a total of 22-24 months.
- Councilman Skurnick asked when the process was started in order to come up with this preliminary design. Mr. Albert reviewed the history and process.
- Mr. Dacey spoke about the need for a Training Room for the City that seats more than 12 people because of the lack of meeting space in the City and that this room can be used for many functions by the City.
- Councilman Skurnick asked why the preliminary design calls for a bigger facility than currently exists. RSC Architects explained that the new firehouse has to comply with current accessibility and compliance standards that did not exist 100 years ago.
- Mayor Huttie explained that the \$1.5 million dollars referred to by Councilman Skurnick was a price discussed more than 10 years ago. The current firehouse is in deplorable condition, noncompliant and he is strongly supports the construction of a new firehouse. He is however concerned with costs per square foot.
- Councilman Hamer asked if will the new building will be ADA compliant and RSC Architects said that the entire building will be fully compliant. Mr. Hamer also asked about the environmental cleanup at the site of the current firehouse and is concerned that we do not create new environmental issues at the site of the new firehouse. Mr. Dacey explained that there will not be environmental concerns at the new site because of the construction of the new Fuel Depot and that is being constructed in an environmentally safe fashion. Mr. Hamer also asked what we not putting in the new firehouse that we should be. Chief Marion spoke about facility for Driving and Roof Simulations and that the training facilities are lacking for things other than table top exercises. Mr. Hamer asked if a 3<sup>rd</sup> level could be added to the building at a later date for a training facility. Mr. Albert explained that a 3<sup>rd</sup> level would require a different foundation to support it and would increase the cost of the building significantly. Mr. Hamer asked if we use facilities in other towns and Chief Marion said that we do but the problem with fire Fighters as compared to Police is that Fire Fighters have to train together so then can operate together as an unit. Mr. Hamer asked Chief Marion that given the limited dollars that we have is he satisfied with the proposed design. Chief Marion said that it is much better than what we have now and is main concern is a safe and workable environment for his fire fighters
- Councilwoman Algrant asked what type of roof will be installed. RSC Architects said that it is essentially a flat roof with sloped areas to provide esthetic appeal. The roof can support solar panels.
- Floor plans were reviewed with the following on the first floor:
  - Exterior Materials will include 35 year architectural asphalt shingles on pitched portions of the roof. The shell of the building will be brick on the S. Van Brunt Street side with the other 3 sides covered in hardy planks that require painting once every 10 years.
  - Tim Dacey and Ken Albert reviewed the Bond Ordinance. Mr. Dacey explained that the architect gives us their estimate so the project can go out for bid and that adequate funds can be set aside. Looking to have the Bond Ordinance introduced in January.
    - \$6 million dollars for brick and mortar hard costs
    - \$1 million dollars for soft costs
    - \$300,000 for Firehouse generator
    - \$200,000 for Foundation issues (excavate and bring in new soil)
    - Total estimate is \$7.5 million dollars

#### Items for Discussion:

- Dedication of New Firehouse in Honor of Jack Drakeford
  - Mayor Huttie explained that this will be a formal resolution of the governing body.
  - Councilman Cohen commented that this is a fitting honor in remembrance of Jack and that he will be fully supporting it.
- John T. Wright Arena
  - Mr. Dacey gave an update on the arena and that great progress was being made.
    - Motor is out for repair work to the compressor.
    - Arena floor has been cleaned and the temperature is down to 16 degrees so ice is being made tonight.
    - Snack bar counter will be used for check-in.
    - Old floor has been removed.
    - Heating system was relocated and there is finally heat in the warm-up room.
    - Zamboni is back and operating.
    - Flooring and netting work being finalized.
    - The City is negotiating with Broome County, New York for the purchase of their old dasher boards (circa late 1990s). They are palliated and ready to go and a company from Long Island can install them, just one additional 5 foot section needs to be made.
    - Shooting for a soft-soft opening on December 20<sup>th</sup> with a soft opening in early January.
    - Bathrooms are being cleaned and repaired.
    - Will put costs incurred in weekly update.
- Limiting Changes in Topography
  - Ken Albert explained that currently the City has no regulations regarding the grading of property and he is proposing an ordinance to put requirements on the books for this. This will relate to residential property only.

- o Bill Bailey explained that you cannot require site plan review for single family homes but you can put soil removal requirements in place.
- Revision of Tree Ordinance
  - o Several modifications are being proposed to the existing tree ordinance:
    - Add an appeal process (appeal to either City Manager or Englewood Environmental Commission).
    - Need to increase replacement ratio from 2 ½ to 3 ½
    - Eliminate cutting of every tree on a property, buffer zones have to be protected.

ORDINANCE #13-16

**AN ORDINANCE AMENDING CHAPTER 311 PEDDLING, SOLICITING AND TRANSIENT MERCHANTS, ARTICLE I PEDDLING AND SOLICITING, SECTION 311-1 THROUGH 311-12 OF THE CODE OF THE CITY OF ENGLEWOOD**

**WHEREAS**, the City of Englewood encourages the growth of mobile retail food vendors within the City of Englewood while regulating the side effects of this growing industry, such as parking, traffic and waste disposal; and

**WHEREAS**, this chapter seeks to regulate mobile retail food vendors through the annual issuance of licenses and permits. This chapter will assist the City with keeping record of mobile retail food vendor business within the City. License and permit fees will cover the cost of enforcement and administrative duties; and

**WHEREAS**, this chapter limits the proximity of mobile food trucks to brick-and-mortar restaurants to secure safe and adequately spaced sidewalks in case of a fire, flood, and other natural or man-made disaster; and

**WHEREAS**, this chapter seeks to limit the interaction between uses which are incompatible in character. While serving similar purposes, mobile food trucks and brick-and-mortar restaurants function separately and are not complimentary in nature.

**WHEREAS**, this chapter seeks to protect the character of stable commercial areas and to provide sufficient space in appropriate locations for each use. The City seeks to locate mobile food trucks in areas to better serve mobile populations. The City seeks to promote a desirable visual environment through limiting the interaction of each respective use.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the City of Englewood:

Section 1. Scope.

The provisions of this chapter shall apply to mobile food operations engaged in the business of cooking, preparing, and/or distributing food or beverage from mobile retail food vendors on private property within the City of Englewood.

Section 2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated: **MOBILE RETAIL FOOD VENDOR** Any movable restaurant or retail food establishment in or on which food and beverage are transported, stored, or prepared for retail sale or given away at temporary locations. The term "mobile retail vendor" shall include and incorporate the term "mobile retail food vendors," as defined in Chapter 13 of the Englewood Health Code. Only the following mobile units shall be allowed within the City limits for use as a mobile retail food vendor, none of which shall exceed 35 feet in length:

A. **MOBILE RETAIL MOTORIZED FOOD VENDOR** — A food establishment that is located upon a motorized vehicle where food or beverage is cooked, prepared and served for individual portion service. Such food vendors comply with this chapter and all requirements of this chapter, as well as any other applicable section of this Code. Shall also be known as "mobile retail food vendors".

B. **MOBILE RETAIL PRE-PACKAGED FOOD VENDORS** — A food establishment that is located upon a motorized vehicle where pre-packaged food or beverage is served for individual portion service. Mobile retail pre-packaged food vendors shall be subject to Chapter 311, and shall be exempt from the regulations of this chapter.

Section 3. Hours of operation.

A. Sunday through Saturday, mobile retail food vendors shall operate between the hours of 7:00 a.m. and 6:00 p.m.

Section 4. Transfer of license and/or permit prohibited; exceptions.

A. No person holding a mobile retail food vendor license and/or permit shall sell, lend, lease or in any manner transfer any interest in a mobile retail food vendor license and/or permit.

Section 5. Location and Conditions.

Mobile Food Vendors shall only be permitted in the following location:

The office/industrial zone south of Route 4 on private property. There shall be no mobile food vendors parked on public property or streets. There shall be no more than one mobile food vendor permitted on any property at any time.

Section 6. Operation.

A. Any mobile retail food vendor being operated without a valid mobile retail food vendor license and/or permit shall be deemed a public safety hazard and may be ticketed and impounded.

B. Mobile vendor licensees shall be required to display the mobile retail vendor license and/or permit prominently when located in a permitted location. Being the lawful holder of a City of Englewood mobile vendor license and/or permit shall not be a valid defense to a citation for failure to prominently display the license in violation of this chapter.

Section 7. Enforcement.

Unless otherwise specified herein, this chapter shall be enforced by any Code Enforcement Officer, Parking Enforcement Officer, the Englewood Police Department, and/or the Health Officer.

Section 8. License fees and permits.

A. Mobile retail motorized food vendor business license. The application fee for a license or any renewal of a license granted by the City shall be \$100. The cost of the annual Health Certificate shall be included in this fee. The application shall include the proposed location(s) at which the applicant seeks to operate. Only one permit shall be issued per property (i.e. Block and Lot).

B. Mobile retail motorized food vendor parking permit. Mobile retail motorized food vendors operating within the City of Englewood are required to purchase an annual permit. Permits are available as follows:

Time Length (weekly)	Annual Amount
7 days	\$250

(1) The permit shall be renewable on an annual basis.

Section 9. Supplemental regulations.

A. Mobile retail food vendors shall not exceed 35 feet;

B. Mobile retail food vendors shall not provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters.

C. The City reserves the right to temporarily move any mobile retail food vendor to a nearby location for emergency purposes as determined in the sole discretion of the City.

D. All licensees and permittees shall comply with all applicable state statutes, all applicable City of Englewood ordinances, and any other law or regulation which may be applicable under the given circumstances.

E. Mobile retail food vendors shall comply with all ordinances, laws and regulations relating to noise in effect by the City of Englewood (Editor's Note: See Ch. 133, Noise Control).

Section 10. Violations and penalties.

Unless otherwise specified herein, any person violating any provision of this chapter shall, upon conviction thereof before the Municipal Court, be subject to a fine not exceeding \$1,000 or imprisonment for a period not exceeding 90 days, or both. The amount of such fine and/or imprisonment shall be determined by the sound discretion of the Municipal Judge. In addition to the aforementioned penalties, and as provided for herein, violations of this chapter may subject the license to suspension or revocation as provided for herein.

**FIRST READING**

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

Ordinances for Discussion:

- Bond Ordinance- New Firehouse
  - Will be placed on the agenda for Introduction in early January 2014 and it cannot be delayed because that will set the project back.

Public Session:

- Curtis Caviness 41 E. Forest Avenue:
  - Spoke about Ice Cream Peddlers.

**RESOLUTION #243-12-03-13**

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

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

Contract Negotiations and Personnel

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

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

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

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

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

**ADJOURN: 10:50 PM**

Motion: Forman  
All in Favor

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Lauren Vande Vaarst, RMC  
City Clerk