

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

December 10, 2013 at 7:30pm

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 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 (7:47PM)
Mayor/Council President Frank Huttie III
City Attorney William Bailey
City Manager Timothy Dacey
City Clerk Lauren Vande Vaarst

President Huttie 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.

Public Comment on Agenda Items:
No one for the Public came forward to speak

RESOLUTION #244-12-10-13

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 \$824,041.53.

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

RESOLUTION #245-12-10-13

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

RESOLUTION #246-12-10-13

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 \$292,691.62 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 #247-12-10-13

REFUNDS DUE TO COUNTY BOARD OF TAXATION APPEALS

WHEREAS, a judgment has been received from the Bergen County Board of Taxation 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 \$87,386.06 for said years due to successful 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 #248-12-10-13

AMEND RESOLUTION #106-05-03-11

WHEREAS, the City of Englewood adopted Resolution #106-05-03-11 appointing Timothy Dacey to serve as the City Manager for the City of Englewood effective June 1, 2011; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey that Resolution #106-05-03-11 be hereby amended as follows:

- (1) That the base salary is amended to \$181,150 effective June 1, 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 #249-12-10-13

REFUND OF TAX OVERPAYMENTS

WHEREAS, it has been determined by the Tax Collector that the attached list of Block and Lots are entitled to a tax overpayment refund due to duplicate payments and;

WHEREAS, it is the desire of the City Council to have the overpayment returned to the 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 \$59,503.93 for said years

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			

ORDINANCE #13-15

BOND ORDINANCE APPROPRIATING \$636,000 FOR A SUPPLEMENTAL APPROPRIATION FOR OVERPECK CREEK CHANNEL WALL REPLACEMENT-PHASE II AND AUTHORIZING THE ISSUANCE OF \$604,200 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 improvement and purpose described in Section 3 of this Bond Ordinance are hereby authorized as a capital improvement to be made or acquired by the City of Englewood, County of Bergen, New Jersey (hereinafter referred to as the "City"). For said improvement or purpose stated in Section 3 hereof, there is hereby appropriated, as a supplemental appropriation, the sum of \$636,000. A down payment of \$31,800 is herein appropriated from the capital improvement fund or other funds of the City as the downpayment 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 \$636,000 appropriation not otherwise provided for hereunder, negotiable bonds of the City are hereby authorized to be issued in a principal amount not to exceed \$604,200 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 \$604,200 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 \$604,200, 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 improvement hereby authorized and the purpose for which said obligations are to be issued is as follows:

Improvements/Purposes	Estimated Cost	Downpayment (Capital Improvement Fund)	Bonds or Notes Authorized	Useful Life (Years)
Supplemental appropriation for Overpeck Creek Channel Wall Replacement-Phase II, including all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$636,000	\$31,800	\$604,200	15

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

- (a) The purpose described in Section 3 of this bond ordinance is not a current expense and is property or an improvement which the City may lawfully acquire or make as a general improvement, 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 purpose is within the limitations of the Local Bond Law taking into consideration the amount of obligations authorized by this bond ordinance, the period of usefulness is 15 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 \$604,200 and obligations authorized and/or hereunder will be within all debt limitations prescribed by said Law.
- (d) Amounts not exceeding \$125,000 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 purpose described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvement, obligation or acquisition or to payment of the obligation 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 improvement or purpose 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 improvement or purpose 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.

RECORD OF VOTE

FIRST READING DATE: November 26, 2013

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

DATE PUBLISHED IN THE RECORD: November 30, 2013

DATES PUBLIC HEARINGS HELD: December 10, 2013

DATE SECOND READING HELD: December 10, 2013

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

Public Hearing on Ordinance #13-15:

No one for the Public came forward to speak

Items for Discussion:

- Overview of 2014 Budget
 - Presented by Ronald Amorino, Chief Financial Officer
 - In the Salary & Wage lines; Police, Fire, City Hall white collar, DPW, Library and Health all show contractual increases for union employees.
 - Medical costs have gone up across the board. This will be the last year of the phase in for employee contribution to healthcare so everyone will be at their maximum contribution of 30-35% beginning July 1, 2014.
 - Other insurance items were discussed.
 - Mr. Amorino is looking to sync DPW budgeted payroll with actual departmental payroll.
 - Terminal Pay was exhausted in 2013.
 - Spoke about the amount of funds paid to the Library above the minimum required by the State. Library needs roof and parking lot repairs and they would like it added to the Capitol Budget. Mr. Dacey is recommending that the Library is given the same amount as last year but we do the requested repairs as Capitol projects.
 - In Community Development, 2 PEOs will move to the Englewood Police department. S&W line will include the Summer Youth Program, but the City would like to get a local nonprofit to run the program.
 - Utilities will be increasing 6% and water will be increasing 11%.
 - Pension Bills will show a slight increase. Mayor Huttie requested that Bill Bailey prepare a letter to formally request from the State an accounting of the City's full liability and also under funded liability in regard to the pension. Councilman Forman asked if employee contributions will increase next year and they will; the maximum will be reached in 2017 with 10% for PERS and 12% for PFRS.
 - Fire and Police Department overtime was discussed. Mr. Amorino will be adding 1.8% to the \$1 million dollars budgeted from 2013 for Police overtime to cover contractual obligations.
 - Court revenue is on budget for current year.
 - Mayor and Council comments:
 - Mayor Huttie said that 2013 was a year with no big storms affecting the City. Plans on asking the new Police Chief how he can better manage Police overtime. Requesting more Police on the streets, use of Auxiliary/ Special Police needs to be considered. Wants to understand the Police ticket policy.
 - Mr. Dacey spoke about the impact of long term financing of debt. Let everyone know that the ice arena looks good and funding will be put in place for January, February and March of 2014 but after that the City Council need to determine budgetary amounts for the Fall. Recommends that the City goes out for RFP early in 2014 with January being the best.
 - Councilman Hamer asked about the hiring of additional Code Enforcement employees. Downtown directional signs need to be improved. Would like to see an emphasis on beautifying Englewood and reinstate "Englewood Day" as part of that. Also spoke about

littering problem. Would like to move the establishment of an Emergency Services Committee forward.

- Mayor Huttle would like City Manager and City Engineer to work with the EEDC to coordinate improvements. Spoke about the failure of new materials in walkways not holding up well and wants them replaced. Would like to see appropriate property maintenance cost placed in Budget to cover items such as maintaining grassy areas and power washing of sidewalks.
- Councilman Hamer commended the City the Summer Concert series and would like to see the City join forces with the Library to make it even better.
- Councilman Cohen spoke about the RFP for the ice arena and wants to formalize the process so the Council members can get the information that they would like in the RFP to the City Manager. Stated that there are effective ways to beautify the City such as using Belgian block curbing which has a longer life span. Wants to keep spending down so the City can keep taxes reasonable.
- Councilman Forman said that if parks are well maintained that will make a sizeable impact on the City and would like to see them better maintained.
- Councilman Skurnick agrees with Councilman Hamer and Mayor Huttle on beautification.
- Mr. Dacey will be recommending improvements of streets off of Palisade Avenue such as Engle and Dean by Starbucks. More trees should be planted and people should let him know where they want them.
- Mayor Huttle said that plans are in place and it should be included in the Budget for improvements to the Monument. The City should keep on the same path with the Budget as the last few years. Commented that the dual tax sales in 2013 generated an increased surplus.
- Ronald Amorino discussed the Capitol Improvement Budget:
 - Firehouse \$7 million dollars
 - General Improvements \$4 million dollars
 - Total of \$11 million dollars, but should budget \$15 million dollars and that would include 5% downpayment for bonding.
- Mayor and Council comments:
 - Mayor Huttle would like a memo issued on analysis of the debt.
 - Mr. Dacey would like to place the sale of the Lincoln School and Firehouse on the books in 2014.
- Mr. Amorino explained that the Reserve Fund for Uncollected Taxes can be \$250,000 or less because of the accelerated tax sale in 2013.
- Mayor and Council comments:
 - Councilman Skurnick asked questions regarding the upcoming tax sale.
 - Councilman Cohen commented on tax sale bids.
 - Councilman Hamer asked about a report on the Bond Anticipation Notes (BANs) and the total amount of BANs to be sold.
- Mr. Amorino explained that the City used \$3 million dollars of its surplus last year. He also spoke about owing Noddle for back pay for garage revenues.
- Consensus is that the Council would like another overview of the Preliminary 2014 Budget.

Resolutions for Discussion:

- Award Professional Services Contract to L2 Group LLC for Design of New Traffic Controllers on Palisade Avenue (Central Business District)
- Extension Municipal Alliance Grant
- Municipal Alliance Fiscal Grant Cycle July 1, 2014 – June 30, 2015
- Resolution Terminating Contract for the Collection of Municipal Court Debt
- Resolution Awarding a Contract for the Collection of Municipal Court Debt
- Authorize Lien for Property Maintenance
- Place -to- Place Transfer (Expansion Of Premises) of Club License
- Honoring Fran Farber Walton

Public Session:

- Adam Brown 186 Elm Road:
 - Spoke about EEDC and recommends that there be a Manager.
 - Presented Mayor and City Council with a Lego Firehouse for the Englewood Fire Department Toy Drive.
 - Working with DPW Director on street trees.

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

ADJOURN: 10:00 PM
 Motion: Cohen
 All in Favor

 Lauren Vande Vaarst, RMC
 City Clerk