

City of Englewood
City Council Work Shop
Meeting Minutes

March 11, 2014 at 7:30pm

A Workshop Meeting of the Mayor and Council of the City of Englewood, Bergen County, New Jersey, was held at the Liberty School, 12 Tenafly Road 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 President Lynne Algrant
Mayor Frank Huttle III
City Attorney William Bailey
City Manager Timothy Dacey
City Clerk Lauren Vande Vaarst

President Algrant called the meeting to order.

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

ORDINANCE #14-12

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the City Council of the City of Englewood in the County of Bergen finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the City Council of the City of Englewood hereby determines that a 3% increase in the budget for said year, amounting to \$1,394,811 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the City Council of the City of Englewood hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Englewood, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the City of Englewood shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3%, amounting to \$1,394,811, and that the CY 2014 municipal budget for the City of Englewood be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

FIRST READING DATE: March 11, 2014:

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

MAYOR AND COUNCIL COMMENTS ON ORDINANCE #14-12:

- Scott Clelland, Auditor provided an overview and explained the new Cost of Living Adjustment (COLA) rate of .5% and what a CAP Bank does.
- Councilman Forman asked about holding a Referendum. The City Clerk explained that the deadline for filing to hold a referendum was February 26, 2014. He asked what is considered to be inside versus outside of the CAP. Mr. Clelland explained that Debt and the Library are outside of the CAP and Pensions and Medical Benefits are inside the CAP.
- Councilman Cohen stated that there is much inside the CAP and there is not really an emergent reason to pass this ordinance.
- Councilman Skurnick was surprised and confused by the .5% so he contacted the DCA. They explained that there are two things in the State Law:
 - Appropriations cannot be raised by more than 2% or the COLA rate may be used which is calculated in the 3rd quarter. If COLA is lower than the 2% you have to use the COLA rate. He then read the COLA rates going back to 2010.
 - The CAP Banking statute says that the City can adopt a resolution or ordinance to go up 2% above the COLA rate without a CAP Bank.
 He did state that he is prepared to support this.
- Councilwoman Algrant reviewed the timeline and that the CAP Bank/COLA Ordinance has to be adopted before the Budget is introduced.
- Councilman Cohen asked if the ordinance could be split into two separate ones. It can but that will confuse things.
- Mayor Huttie asked Mr. Clelland, Mr. Bailey, Mr. Amorino and Mr. Dacey if they think that the ordinance should be split. Mr. Bailey said that he has never seen that done and his recommendation is to adopt it as presented. The Mayor then went on to say that the Governor does not have a CAP on the State Budget but keeps pushing one on the municipalities. The Mayor does not want external forces controlling what the City does internally; and that we should control our finances because it is the right thing to do. Pleased that the City's bond rating has been upgraded to AA Positive, up from AA Stable. For the City to be fiscally prudent we need to control or own finances and not be led by outside forces such as the State.
- Councilman Hamer is supporting this ordinance because it is the right thing to do.
- Councilman Skurnick feels that coupling the two items in one ordinance the City loses control.
- Councilman Cohen does not see this as an arduous process and asked if there is a relation between the City not having a CAP Bank and the increase in the bond rating.
- Mayor Huttie reiterated Councilman Cohen's question, is there a correlation between the CAP Bank and the bond rating. Mr. Clelland said that there is no correlation and that the upgraded bond rating is due to good fiscal management.
- Councilman Cohen does not see a reason why this ordinance cannot be split.

ORDINANCE #14-13

ORDINANCE APPROPRIATING \$195,000 FOR THE ACQUISITION AND INSTALLATION OF A SECURITY CAMERA SYSTEM 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, AS FOLLOWS:

Section 1. The improvement and purpose described in Section 2 of this Ordinance is 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 2 hereof, there is hereby appropriated the sum of \$195,000 from the Police Department "Forfeited Funds-DEA" Account.

Section 2. The improvement hereby authorized is as follows:

Improvement/Purpose	Estimated Cost	Appropriated From the Police Department "Forfeited Funds-DEA" Account
Acquisition and installation of Palisade Avenue Security Surveillance System, Phase 1, including all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$195,000	\$195,000

Section 3. The following additional matters are hereby determined, declared, recited and stated:

(a) The purpose described in Section 2 of this 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.

Section 4. 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 5. 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 6. 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 7. This Ordinance shall take effect at the time and in the manner designated by law.

FIRST READING DATE: March 11, 2014

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

MAYOR AND COUNCIL COMMENTS ON ORDINANCE #14-13:

- Mr. Dacey reviewed this ordinance and explained that the total amount of money that former Chief O'Keefe anticipated has not come in all at the same time. The project is being split into 2 phases:
 - Phase I:
 - Parking Deck
 - Mackay Park
 - Beginning stage of Palisade Avenue
 - Phase II:
 - Balance of Palisade Avenue
- Auditor is requesting that we pass this Capital Ordinance even though we are not bonding for this project.
- Councilman Cohen wanted to confirm that this ordinance is for housekeeping purposes only (yes it is). Asked Chief Suffern to speak about the priority of work being done in each phase.
- Chief Suffern said that the initial plan was to do all of Palisade Avenue along with the Parking Deck and Mackay Park. They have decided to do the Parking Deck in Phase I because a restructuring has made it a priority.
- Councilman Cohen asked what the chances are of receiving the balance of the money (they are very good).
- Councilwoman Algrant asked if we will build in the infrastructure in the initial phase for Palisade Avenue and then add cameras as we move ahead (yes that is the plan).
- Councilman Hamer supports the project but does not want cameras to take the place of community policing. Cameras should not distract from that focus. Chief Suffern said that the cameras will enhance the Police Department's abilities to monitor.

PUBLIC COMMENT ON AGENDA ITEMS:

No one from the Public came forward to speak.

RESOLUTION #080-03-11-14

AUTHORIZE AN ACCELERATED TAX SALE CY 2014

WHEREAS, a municipality is permitted to hold an accelerated Tax Sale; and

WHEREAS, it is the intention of the City of Englewood to hold such a Tax Sale; and

WHEREAS, it has been determined by the Tax Collector and Chief Financial Officer that December 11, 2014 would be an appropriate day for the Accelerated Tax Sale;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the Tax Collector is hereby authorized to conduct an Accelerated Tax Sale for delinquent taxes, Special Improvement District Taxes, Special Assessment Taxes and any other delinquent fees otherwise imposed by the City of Englewood for the Calendar year 2014 and prior, if

necessary, on December 11, 2014; and that a certified copy of this resolution be provided by the Municipal Clerk to the Tax Collector and the Chief Financial Officer.

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 #080-03-11-14:

- Councilman Skurnick said that he will be voting "No" and feels that this is on the backs of the poor residents of the 3rd and 4th Wards. Spoke about Councilman Cohen's comments on the Library being out of the CAP.
- Councilman Cohen explained that he only spoke about the Library because the Auditor mentioned that Library funding is outside of the CAP.

RESOLUTION #081-03-11-14

2013 RESERVE BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward at the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the previous fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood 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 March 31, 2014 pursuant to and in accordance with provisions N.J.S.A. 40A:4-59, 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	X			
<i>Cohen</i>		X			
<i>Hamer</i>		X			

BUDGET TRANSFER

11-Mar-14

<u>Description</u>	<u>Account</u>	<u>TO</u>	<u>FROM</u>
COMMUNI DEV-S&W	3-01-20-170-XXX		
COMMUNI DEV-O/E	3-01-20-170-XXX	\$8,000.00	
CEN MAINT GARAGE-S&W	3-01-26-315-XXX		
CEN MAINT GARAGE-O/E	3-01-26-315-XXX	\$30,000.00	
DPW ADMIN-S&W	3-01-26-300-XXX		\$5,000.00
DPW ADMIN-O/E	3-01-26-300-XXX		
SHADE TREE-S&W	3-01-26-301-XXX		\$2,000.00
SHADE TREE-O/E	3-01-26-301-XXX		
SEWER MAINT-S&W	3-01-26-302-XXX		\$1,000.00
SEWER MAINT-O/E	3-01-26-302-XXX		
UTILITIES-STREET LIGHTING	3-01-31-435-XXX		\$5,000.00
UTILITIES-TELE & COMM	3-01-31-440-XXX		\$5,000.00
UTILITIES- GAS & ELECTRIC	3-01-31-446-XXX		\$10,000.00

BCUA-SOLID WASTE REMOVAL 3-01-31-455-XXX \$10,000.00

S/T \$38,000.00 \$38,000.00

The accounts in the "FROM" column have more funding than necessary while the accounts in the "TO" column have insufficient funds to cover anticipated expenses.
 This resolution transfers funds from the accounts that have too much money to the ones that need money.

RESOLUTION #082-03-11-14

**RESOLUTION CALLING ON THE LEGISLATURE TO MAKE PERMANENT
 THE 2% CAP ON INTEREST ARBITRATION AWARDS**

WHEREAS, on December 21, 2010, Governor Christie signed into law reforms to the Arbitration process that took effect January 1, 2011; and

WHEREAS, the reforms capped arbitration awards on economic factors to no more than 2%, provided for random selection of arbitrators, expedited the determination of awards, required the arbitrator to provide a written report detailing the weight accorded to each of the required considerations and expedited the appeal process; and

WHEREAS, these reforms marked a dramatic change to the arbitration process and have helped municipalities to control the never-ending rise in public safety personnel costs; and

WHEREAS, a key element of the reforms, capping arbitration awards on economic factors to no more than 2% of the property tax levy will expire on April 1, 2014; and

WHEREAS, while municipalities are statutorily limited to raise their property tax levy by no more than 2%, with very limited exceptions, failure to extend the 2% cap on interest arbitration awards will force municipalities throughout the State to further reduce or even eliminate crucial services, personnel, and long-overdue infrastructure improvement projects in order to fund an arbitration award; and

WHEREAS, the 2% Interest Arbitration cap has controlled one of the largest municipal expense, public safety salaries, not only through arbitration awards but through contract negotiations; and

WHEREAS, absent further action by the Legislature, any contract that expires on or after April 1, 2014, will be subject to all new procedures and requirements, EXCEPT the 2% awards cap; and

WHEREAS, without those limits, arbitrators will be able to impose awards that do not account for the 2% limit on the property tax levy, which would immediately threaten funding for all other municipal services; and

WHEREAS, without the 2% cap on Interest Arbitration Awards but with the 2% cap on property tax levy local budget makers could be forced to reduce other essential municipal services to fund an arbitration award;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the (insert name of municipality) strongly urges the Legislature to permanently extend the 2% cap on interest arbitration awards prior to the April 1, 2014 sunset; and

BE IT FURTHER RESOLVED, that a that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Assembly Speaker Vincent Prieto, the legislators of the City of Englewood's State Legislative representatives, Governor Chris Christie, and the New Jersey State League of Municipalities.

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

MASTER PLAN PRESENTATION:

- Mayor Huttle spoke about the Master Plan having been duly approved and adopted by the Planning Board. This was an historic event because it was never done before with input from the full community of Englewood; stakeholders, Planning Board, Engineer, Planner and a diversity of leadership. The document in its totality will move the City forward while providing protections for the community.

- Mark Keener of Brown & Keener then spoke. He discussed the following two main points:
 - This is a great Master Plan and while not perfect it is structured specifically for Englewood.
 - The Master Plan includes approximately 150 recommendations that will move the City forward but require action via a Resolution or Ordinance by the Governing Body.
- Mr. Keener then reviewed the entire Master Plan.
- Mayor and Council comments on the Master Plan:
 - Mayor Huttle explained that the Planning Board really approached the Master Plan as a Strategic Plan for the City even though by law and fact it is a Master Plan.
 - Councilman Skurnick commented that is a wonderful Master Plan and an extraordinary document with excellent ideas. Real kudos to the Mayor for pulling this together, and getting everyone involved. Councilman Skurnick did not think that was even possible. He asked what the next step in the process is and where does the Mayor and Council fit into it?
 - Councilwoman Algrant explained that the Zoning recommendations are what the Mayor and Council need to make decisions on.
 - Bill Bailey explained that the Council would introduce the ordinances and then send them to the Planning Board for review. Before it comes back to the Council for Adoption. The Council cannot deviate from the recommendations of the Master Plan but they can put more meat into it and more clearly define it.
 - Mayor Huttle explained that the Planning Board has the authority on the Master Plan.
 - Mr. Bailey broke the process down:
 - Review the Master Plan
 - Take action on the Master Plan
 - If you plan to deviate from the Master Plan then put down the specific points and why
 - Or take no action at all
 - The Zoning recommendations on pages 74-78 were reviewed.
 - Councilwoman Algrant asked that in early April the Mayor and Council should send any questions on the Master Plan to Mr. Dacey.

RESOLUTIONS FOR DISCUSSION:

- Introduction of 2014 Budget
- Renewal of Liquor License for 2012- 2013 and 2013-2014
- Authorizing an Agreement with the Englewood Economic Development Corporation to Manage the Englewood Business Apprenticeship Program
- Resolution Authorizing Waiver of Downtown Parking Meter Fees During the Sidewalk Sale
- Resolution Authorizing Waiver of Downtown Parking Meter Fees For Small Business Saturday 2014
- Resolution Authorizing Waiver of Downtown Parking Meter Fees During the Holiday Season
- Appoint Recreation Advisory Committee Members
- Refunds Due to State Tax Appeals
- Amending Resolution #048-01-28-14 for a Place -To- Place Transfer of Plenary Retail Distribution License
- Refund Due to Tax Overpayment

ORDINANCES FOR DISCUSSION:

- Amend Ordinances for Loading Zones and Handicapped Parking Spaces

PUBLIC SESSION:

- Sandy Greenberg 449 Liberty Road:
 - Complimented the excellent work done on the 2014 Master Plan.
 - Read a prepared statement regarding the weakness of the Englewood Public Schools.
 - Thrilled that the City is revamping the Summer Youth Employment program.

RESOLUTION #083-03-11-14

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 Litigation

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.

<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			
<i>Cohen</i>		X			
<i>Hamer</i>	X	X			

ADJOURN: 10:10 PM

Motion: Skurnick
All in Favor

Lauren Vande Vaarst, RMC
City Clerk