

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

**May 13, 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 (7:50PM) City Attorney William Bailey City Manager Timothy Dacey
Absent:	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 #14-14**

**AN ORDINANCE FIXING SALARIES OF THE POLICE DEPARTMENT OF THE CITY OF ENGLEWOOD EFFECTIVE FOR THE YEARS 2014, 2015, 2016 AND 2017**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ENGLEWOOD, BERGEN COUNTY, NEW JERSEY, as follows:**

**Section 1.** The annual base salaries for those Current Members and New Hires of the Police Department of the City of Englewood hereinafter listed shall be as follows, effective as of the years and dates indicated below:

<b>Current Members</b>				
<b>Police Officers</b>	<b>1/1/2014</b>	<b>1/1/2015</b>	<b>1/1/2016</b>	<b>1/1/2017</b>
New Hire	44,032	44,736	45,541	46,270
Step 1	63,209	64,220	65,376	66,422
Step 2	68,646	69,744	70,999	72,135
Step 3	85,824	87,197	88,766	90,186
Step 4	103,157	104,808	106,694	108,401
Step 5	114,854	116,691	118,792	120,693
Step 6	131,253	133,353	135,753	137,925

<b>New Hires</b>				
<b>Police Officers</b>	<b>1/1/2014</b>	<b>1/1/2015</b>	<b>1/1/2016</b>	<b>1/1/2017</b>
New Hire	44,031	44,735	45,540	46,269
Step 1	53,810	54,671	55,656	56,546
Step 2	64,337	65,366	66,543	67,607
Step 3	74,865	76,063	77,432	78,671
Step 4	85,432	86,798	88,361	89,775

Step 5	95,965	97,500	99,255	100,843
Step 6	106,498	108,202	110,150	111,912
Step 7	117,030	118,903	121,043	122,980
Step 8	131,254	133,354	135,754	137,926

**Section 2.** Fringe benefits, including medical insurance and all other elements of compensation shall be paid as specified in the collective negotiation agreement between the City of Englewood and the PBA Local 216. The City Manager is hereby authorized to execute the collective bargaining agreement with the PBA Local 216.

**Section 3.** No fringe benefit or additional compensation or other term or condition of employment in effect as of the date of this ordinance, whether provided by a previously adopted ordinance of the City, by a collective negotiation agreement, or otherwise, shall be reduced by this ordinance, and any such provisions shall remain in full force and effect except to the extent that it is specifically changed by ordinance or by the collective negotiation agreement.

**Section 4.** The annual salaries set out herein shall be paid on a pro rata basis to any person who shall hold any of the above named positions for less than a full calendar year. The Police Chief and Deputy Police Chief shall be paid in strict accordance with the Unclassified Salary Ordinance.

**Section 5.** The salaries set out in this ordinance shall become effective, retroactively, as of the effective dates specified in Section 1, and shall apply only to those persons in the employ of the City on the dates when this ordinance becomes effective as specified in Section 6 and shall remain in effect unless and until changed by subsequently adopted ordinance.

**Section 6.** This ordinance shall become effective immediately upon passage and publication as required by law.

FIRST READING DATE: April 29, 2014

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

DATE PUBLISHED IN THE RECORD: May 2, 2014

DATES PUBLIC HEARINGS HELD: May 13, 2014

DATE SECOND READING HELD: May 13, 2014

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 #14-14:**

No one from the Public came forward to speak

**ORDINANCE #14-15**

**AN ORDINANCE FIXING SALARIES OF THE POLICE SUPERIOR OFFICERS OF THE POLICE DEPARTMENT OF THE CITY OF ENGLEWOOD EFFECTIVE FOR THE YEARS 2014, 2015, 2016 AND 2017**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ENGLEWOOD, BERGEN COUNTY, NEW JERSEY,** as follows:

**Section 1.** The annual base salaries for those Police Superior Officers of the Police Department of the City of Englewood hereinafter listed shall be as follows, effective as of the years and dates indicated below:

Superior Officers				
	1/1/2014	1/1/2015	1/1/2016	1/1/2017
<b>Sergeant</b>				
(NATP) Step 1	131,921	134,031	136,444	138,627

Step 2	134,651	136,805	139,268	141,496
Step 3	142,012	144,284	146,881	149,231
<b>Lieutenant</b>				
Step 1	145,116	147,438	150,092	152,493
Step 2	152,493	154,933	157,722	160,246
<b>Captain</b>				
Step 1	155,123	157,605	160,442	163,009
Step 2	163,459	166,075	169,064	171,769

**Section 2.** Fringe benefits, including medical insurance and all other elements of compensation shall be paid as specified in the collective negotiation agreement between the City of Englewood and the PBA Local 216 Supervisory Officers Association. The City Manager is hereby authorized to execute the collective bargaining agreement with the PBA Local 216 Supervisory Officers Association.

**Section 3.** No fringe benefit or additional compensation or other term or condition of employment in effect as of the date of this ordinance, whether provided by a previously adopted ordinance of the City, by a collective negotiation agreement, or otherwise, shall be reduced by this ordinance, and any such provisions shall remain in full force and effect except to the extent that it is specifically changed by ordinance or by the collective negotiation agreement.

**Section 4.** The annual salaries set out herein shall be paid on a pro rata basis to any person who shall hold any of the above named positions for less than a full calendar year. The Police Chief and Deputy Police Chief shall be paid in strict accordance with the Unclassified Salary Ordinance.

**Section 5.** The salaries set out in this ordinance shall become effective, retroactively, as of the effective dates specified in Section 1, and shall apply only to those persons in the employ of the City on the dates when this ordinance becomes effective as specified in Section 6 and shall remain in effect unless and until changed by subsequently adopted ordinance.

**Section 6.** This ordinance shall become effective immediately upon passage and publication as required by law.

FIRST READING DATE: April 29, 2014

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

DATE PUBLISHED IN THE RECORD: May 2, 2014

DATES PUBLIC HEARINGS HELD: May 13, 2014

DATE SECOND READING HELD: May 13, 2014

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 #14-15:**

No one from the Public came forward to speak

**ORDINANCE #14-16**

**BOND ORDINANCE APPROPRIATING \$5,965,000 FOR VARIOUS GENERAL IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF \$5,666,750 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 improvements and purposes described in Section 3 of this Bond Ordinance are hereby authorized as capital improvements to be made or acquired by the City of Englewood, County of Bergen, New Jersey (hereinafter referred to as the "City"). For said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$5,965,000. A down payment of \$221,000 is herein appropriated from the capital improvement fund or other funds of the City as the down payment 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 \$5,965,000 appropriation not otherwise provided for hereunder, negotiable bonds of the City are hereby authorized to be issued in a principal amount not to exceed \$5,666,750 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 \$5,666,750 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 \$5,666,750, 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 improvements hereby authorized and the purposes for which said obligations are to be issued are as follows:

Improvements/Purposes	Estimated Cost	Down payment (Capital Improvement Fund)	Bonds or Notes Authorized	Useful Life (Years)
1.) Mill & Pave Roadways, including but not limited to Englewood Avenue, Glenwood Road, Mayrlyn Court, King Street, Myrtle Avenue, Robin Road, Kenwood Street, Sterling, Illingsworth and Slocum and other designated streets, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$1, 250,000	\$62,500	\$1,187,500	10
2.) Road Reconstruction including but not limited to Demarest Avenue, Hutchinson Road, Fountain Road, Arch Road, Warren Street and other designated streets, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$1,950,000	\$97,500	\$1,852,500	10
3.) Curb and Sidewalk Program at various locations including Elkwood Terrace, Whitewood Road, Hudson Avenue, Public Safety Complex, and other crosswalks and sidewalks and bike lanes throughout the City, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$ 600,000	\$30,000	\$570,000	10
4.) Sanitary Sewer and drainage improvements at Overpeck Creek and Miller's Pond, including dredging, design and permitting, culvert improvements and drainage and sewer replacements at various locations throughout the City, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$ 765,000	\$38,250	\$726,750	40

5.) Replacement of Park Furniture and Playground equipment at various locations throughout the City, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$ 250,000	\$12,500	\$237,500	15
6.) Acquisition of Equipment including but not limited to Communication Equipment for the Fire Department and upgrades and improvements to various public buildings, including but not limited to replacement of Roof Replacement and Entranceway Reconstruction at the Library, improvements at the DPW garage including security fencing, automated gates, Crane Arm at Pump Stations, Tibbs Center Improvements, fencing along Overpeck Creek and Metzlers Brook, Monument reconstruction, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$ 900,000	\$45,000	\$855,000	15
7.) Pistol Range Improvements including but not limited to demolition and restoration and removal of above ground oil tanks, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$250,000	\$12,500	\$237,500	15
<b>TOTALS</b>	<b>\$5,965,000</b>	<b>\$298,250</b>	<b>\$5,666,750</b>	

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

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and is property or improvements which the City may lawfully acquire or make as general improvements, 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 purposes is within the limitations of the Local Bond Law taking into consideration the amount of obligations authorized for each purpose, and according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, the average period of usefulness is 15.04 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 \$5,666,750 and obligations authorized and/or hereunder will be within all debt limitations prescribed by said Law.

(d) Amounts not exceeding \$1,100,000 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 purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements, obligations or acquisition or to payment of the obligations 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 improvements or purposes 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 improvements or purposes 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.

FIRST READING DATE: April 29, 2014

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

DATE PUBLISHED IN THE RECORD: May 2, 2014

DATES PUBLIC HEARINGS HELD: May 13, 2014

DATE SECOND READING HELD: May 13, 2014

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

**Public Hearing on Ordinance #14-16:**

No one from the Public came forward to speak

**Mayor and Council comments on Ordinance #14-16:**

- Councilman Skurnick asked where in this Capital Bond Ordinance is the money for trees at Mackay Park. Mr. Dacey explained that there is money from the Overpeck Creek project to replace the trees in Mackay Park. Councilman Skurnick then commented that the Capital Bond Ordinance is for sewer projects, Tibbs Center, Dredging of ponds and Overpeck Creek, Library, Pistol Range demolition and Curb and Sidewalk program?
- Councilwoman Algrant explained that in regard to the citywide sidewalk reconstruction project the residents will tell us if their sidewalks need to be repaired. The information will be going out to the public via flyers in both English and Spanish. The information will also be posted on the City website and at the library. This will be an easy process for the homeowner.
- Councilman Skurnick asked what the process will be.
- Ken Albert explained that the homeowner will pay for their sidewalk to be repaired and that they will be paying the same rate that the City pays. Permit fees will be waived, the City will take full responsibility for the work done and will guarantee the work for one (1) year. The project will be overseen by the City Engineer's office and this will only apply to residential sidewalks no commercial properties.

**ORDINANCE #14-17**

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 25-55, SCHEDULE XXIV OF THE TRAFFIC AND PARKING ORDINANCE OF THE CODE OF THE CITY OF ENGLEWOOD**

**WHEREAS**, Chapter 25, Section 25-55 Schedule XXIV, Handicapped parking spaces as designated within the City of Englewood; and

**WHEREAS**, the Governing Body of the City of Englewood wishes to amend the following Handicapped parking space as designated in Schedule XXIV.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Englewood, Bergen County, New Jersey, that Chapter 25, Section 25-55, Schedule XXIV is hereby amended as follows:

STREET	SIDE	LOCATION
Engle Street [Added 12-7-2004 by Ord. No. 04-27; amended 4-19-2005 by Ord. No. 05-09]	West	a. From a point 68 feet south of the southerly curb line of Chestnut Street to a point 24 feet south thereof b. From a point 123 <b>68</b> feet north of the northwest curb line of Bergen Street to a point 145 <b>50</b> feet north thereof

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

FIRST READING DATE: May 13, 2014

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

#### ORDINANCE #14-18

##### AN ORDINANCE AMENDING CHAPTER 250 LAND USE, ARTICLE XI DISTRICT REGULATIONS, SECTION 250-76, SUPPLEMENTAL MULTIFAMILY HOUSING, SUBSECTION B (5B-3) OF THE CODE OF THE CITY OF ENGLEWOOD

**WHEREAS**, Chapter 250 Land Use, Article XI District Regulations, Section 250-76, Supplemental Multifamily Housing, Subsection B (5b-3); and

**WHEREAS**, the Governing Body of the City of Englewood wishes to amend the aforementioned in regard to Supplemental Multifamily Housing.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Englewood, Bergen County, New Jersey, that Chapter 250 Land Use, Article XI District Regulations, Section 250-76, Supplemental Multifamily Housing, Subsection B (5b-3) is hereby amended as follows:

(5) Supplemental multifamily housing.

(a) Supplemental multifamily housing shall be permitted only in the Supplemental Development Area.

(b) Except as expressly stated to the contrary, supplemental multifamily housing shall comply with the standards set forth in the PUD-1 Overlay Zone for multifamily housing and shall also comply with the following standards:

[1] Maximum number of units: 195.

[2] Maximum gross floor area: 257,400 square feet.

[3] ~~The housing shall not include any units with more than two bedrooms.~~ **Twenty percent of the 15 units reserved for low and moderate income households shall be three bedroom units. The remainder of the 195 units shall not include any units with more than two bedrooms.**

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

FIRST READING DATE: May 13, 2014

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

#### RESOLUTION #119-05-13-14

##### ENDORSEMENT OF THE HOUSING ELEMENT AND FAIR SHARE PLAN

**WHEREAS**, the Planning Board of the City of Englewood ("Planning Board"), County of Bergen, State of New Jersey, adopted the Housing Element of the Master Plan on May 1, 2014; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Housing Element is attached hereto; and

**WHEREAS**, the Planning Board adopted the Fair Share Plan on May 1, 2014; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached hereto; and

**WHEREAS**, pursuant to N.J.S.A. 52:27D-313, the Superior Court has the authority to enter an Order granting protection and repose against exclusionary zoning litigation to a municipality that is in compliance with its affordable housing obligations under the Fair Housing Act, N.J.S.A. 52:27D-301, et seq.; and

**WHEREAS**, in connection with the lawsuit captioned ERA South, LLC, et al. v. City of Englewood, et al., Superior Court of New Jersey, Bergen County, Law Division, Docket No. L-233-09 (the "ERA South" matter), the Superior Court has been asked to review the Housing and Element and Fair Share Plan and the zoning ordinances of the City of Englewood ("City") to determine whether the City is in compliance with its affordable housing obligations under the Fair Housing Act, N.J.S.A. 52:27D-301, et seq.; and

**WHEREAS**, the Governing Body desires to endorse the Housing Element and Fair Share Plan adopted by the Planning Board and to submit the same to the Superior Court as abovementioned.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the City of Englewood, County of Bergen, State of New Jersey hereby endorses the Housing Element and Fair Share Plan as adopted by the Planning Board; and

**BE IT FURTHER RESOLVED** that the Governing Body of the City of Englewood, pursuant to the provisions of N.J.S.A. 52:27D-313, hereby submits the Housing Element and Fair Share Plan and this petition to the Superior Court for review and requests that the Superior Court enter an Order granting the City of Englewood protection and repose against exclusionary zoning litigation for a five year period commencing on the date of the Judgment or until May 31, 2019 whichever occurs first; and

**BE IT FURTHER RESOLVED** that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan shall be included with the submission to the Superior Court; and

**BE IT FURTHER RESOLVED** that notice of the hearing on this matter requesting an Order granting the City of Englewood protection and repose against exclusionary zoning litigation shall be provided in the form and manner as directed by the Superior Court.

<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	X			
<i>Hamer</i>		X			

**Mayor and Council comments on Resolution #119-05-13-14:**

- Elizabeth Leheny, AICP, PP of Phillips Priess Grygiel LLC- Planning and Real Estate Consultants:
  - Gave an overview of the Third round Housing Element and Fair Share Housing Plan.
  - 95 unit affordable housing project to be developed during the Third Round period.
  - Westmoor Gardens has 64 affordable units.
  - Habitat for Humanity has 4 affordable units.
  - Foti has 3 affordable units.
  - Vantage Health has 3 affordable units.
  - Englewood Avenue has 6 affordable units.
  - Flatrock Square has 15 affordable units.
  - Hotel Pad located south of Route 4 if developed by the City as residential will have 12.5% of the housing units will be set aside for low and moderate income households.
- Councilwoman Algrant found something disturbing on page 8 of the Housing Element and Fair Share Plan that approximately 2% of all occupied housing units within the Englewood lack complete plumbing and/or kitchen facilities. Mr. Bailey explained that this information comes from Census data.
- Councilman Skurnick commented on page 6, that in 2000 there were forty-three (43) mobile homes and/or trailer units located in the City which declined to zero (0) and increased to fourteen (14) in 2012. Also discussed housing values for owner occupied units on page 7. Again Mr. Bailey explained that this information comes from Census data.

**PUBLIC COMMENT ON AGENDA ITEMS:**

No one from the Public came forward to speak.

**RESOLUTION #120-05-13-14**

**AUTHORIZING AWARD OF CONTRACT FOR  
WRIGHT ARENA SIDEWALK RECONSTRUCTION, PROJECT NUMBER 111407**

**WHEREAS**, sealed bids were received on May 6, 2014 for the Wright Arena Sidewalk Reconstruction, Project Number 111407 in accordance with specifications therefore and following public advertisement; and

**WHEREAS**, specifications were sent and responsible bids were received from ten (10) bidders listed on the attached Bid Summary Sheet; and

**WHEREAS**, the bid submitted by Bello-Grande Contracting, LLC., 174 Boulevard, Hasbrouck Heights, New Jersey 07604 for the sum of \$56,310.00 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 from the following account C-04-12-020-000-001 to award this contract; and

**WHEREAS**, this bid is awarded according to a fair and open process pursuant to PL 2004, c.19; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood that the bid submitted by Bello-Grande Contracting, 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 Bello-Grande Contracting, LLC., for the Wright Arena Sidewalk Reconstruction, Project Number 111407 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 12-20(a)

<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	X			
<i>Hamer</i>		X			

**RESOLUTION #121-05-13-14**

**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 \$61,171.61 for said years due to successful tax court judgments.

<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	X			
<i>Hamer</i>		X			

**Mayor and Council comments on Resolution #121-05-13-14:**

- Councilman Skurnick asked how many tax appeals were filed for 2014. Mr. Bailey said about 150, and that Bergen County has the highest number of tax appeals. The main one in Englewood was for the Volvo dealership.
- Councilman Forman asked what the percentage of successful appeals filed in 2013 was. Mr. Bailey explained that the 2013 tax appeals have not yet been heard; Tax Court just completed 2008 through 2012.
- Councilwoman Algrant stated that after the City had conducted its reassessment the number of tax appeals has decreased.

**RESOLUTIONS FOR DISCUSSION:**

- Authorizing Award of Contract for New Englewood "Jack Drakeford" Firehouse for the City of Englewood
  - Mr. Dacey explained that the bids were received and the City is ready to issue a contract.
  - Ken Albert explained that 12 Bids were received and that Dobtol Construction was the lowest bidder.

- Mayor Huttle asked if we have sufficient bond capacity for this project. Mr. Albert explained that the price received is within the bond ordinance. Mayor Huttle asked who will supervise the day to day construction operations. Mr. Albert explained that it will be himself along with the architect for the duration of the project. The Mayor would like to be kept posted on the progress of the Firehouse project.
- Ken Albert discussed some further projects to take place in 2015 that would impact the Firehouse project:
  - Eliminate the tennis courts from the parking lot across the street from the Public Safety Complex in order to provide more parking.
  - Work needs to be done on the intersections between Englewood Avenue and S. Van Brunt Street, and Englewood Avenue and William Street to make them wider.
- Authorizing Award of Contract for Summit Street Guardrail Installation, Project Number 111334
  - Mr. Albert explained that there is a drop off at Van Nostrand Avenue and a guardrail is needed there for safety and security.
  - Councilman Forman asked Mr. Albert to check the guardrail on Next Day Hill.
- Authorizing Award of Contract for 2014 Road Improvement, Project Number 111408
  - Mr. Albert said that these bids are coming in on Thursday, May 8<sup>th</sup> and will be ready to award at the June 10<sup>th</sup> Council Workshop.
- Resolution Adopting IRS Mileage Rate for Reimbursement
- Award of Contract to Supply and Distribute Both Solid Waste Containers and Recycling Containers for the City of Englewood
  - Mr. Dacey explained that the City will be using the 95 gallon cans for trash and the 65 gallon cans for recycling.
  - Councilman Skurnick asked is storage of the waste containers would be a problem. He has noticed that in the 1<sup>st</sup> and 2<sup>nd</sup> Wards people put out small bags of trash.
  - Mayor Huttle feels that the trash can is too large and residents would not be able to use it because of its large size. Older citizens will not be able to move it.
  - Mr. Dacey stated that the 1<sup>st</sup> and 4<sup>th</sup> Wards are being provided with the cans, the cans will be numbered, have the City seal imprinted on them and coded so the City will know who the cans belong to. Instructions will be created so the residents know how and where to place the cans for pick up. There is only a \$5.00 difference per the 95 gallon and 65 gallon cans. Looking to implement the one man garbage trucks by the end of the summer.
- Refund of Tax Overpayment
- Extending Affordability Controls For The 64 Unit Westmoor Gardens Affordable Housing Development
- Affirming the City of Englewood Planning Board's Resolution dated April 3, 2014, Granting Site Plan Approval to GLF Realty Co., Inc., for the Expansion of the Palisades Court Shopping Center
- Authorizing Contract with Treeco for Rental of Parking Spaces

#### **ORDINANCES FOR DISCUSSION:**

- Lisa Wisotsky, Board of Health presented an overview on these 2 proposed ordinances:
  - Increase the age of buying tobacco products from 19 to 21.
  - Ban tobacco and e cigarettes from public parks.
  - Ms. Wisotsky explained that surrounding towns have implemented ordinances increasing the age to buy cigarettes from 19 to 21 years of age.
  - The Health Department enforces the prohibition of selling tobacco to minors as such:
    - Receive \$500 dollars from the Council and hire teenagers to go into stores to try and buy tobacco products. Nine establishments passed and those that did not the fines are as follows:
      - 1<sup>st</sup> Offense- \$250.00
      - 2<sup>nd</sup> Offense- \$500.00
      - 3<sup>rd</sup> Offense- \$1,000.00 and subsequent fines.
  - Ms. Wisotsky further explained that 34 Bergen County municipalities restrict outdoor smoking. Of those, 27 require 100% smoke free parks. If the ordinance passes the Health Department will provide free flyers at the parks.
- Traffic and Parking amendments:
  - West Hudson Avenue
  - Next Day Hill
  - Councilman Forman spoke about Lydecker Street and Priscilla Lane and that the 275 feet only affects three (3) houses.
  - Councilwoman Algrant spoke about north of Lydecker Street to Priscilla Lane to Speer Avenue. Also the south side of West Hudson Avenue is 1 hour parking from 9am to 6pm.
  - Mayor Huttle would like to review the Traffic Advisory Committee minutes for West Hudson and Lydecker Street to see the reason why they are requesting these changes.

#### **PUBLIC SESSION:**

No one from the Public came forward to speak.

**RESOLUTION #122-05-13-14**

**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

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

**ADJOURN: 9:40 PM**

Motion: Algrant  
All in Favor

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Lauren Vande Vaarst, RMC  
City Clerk