

**City of Englewood  
City Council Meeting Minutes  
May 20, 2014**

---

A Regular Formal 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 (8:40PM)  
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.

**SWEARING-IN OF POLICE OFFICER**

**Michael McCue**

**RESOLUTION #123-05-20-14**

**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 \$36,280,211.54.

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

**Communications from the Mayor/Council Member**

**Comments from the City Manager:**

- Swore in one (1) police officer tonight and will be swearing in two (2) more on June 24<sup>th</sup>. Two (2) officers are retiring; one July 1<sup>st</sup> and one August 1<sup>st</sup>.
- The Police Test will be held on September 6, 2014 at Englewood Hospital Medical Center. The test will be advertised in early June and sign-ups will begin early August.
- Finalizing Summer help interviews and all Summer programs will be advertised in both English and Spanish.
- The Memorial Day Parade will be held on Monday, May 26<sup>th</sup> at 10AM. There will be a wet down at EVAC for a new ambulance that day also.
- A Resolution for the waste and recycling containers is on the agenda for discussion and includes various sizes of containers and rubber wheels will be included.
  - Mayor Huttle commented on the waste and recycling containers:
    - He has been supportive of the new and more efficient trucks.

- There was a healthy debate at last week's Workshop meeting regarding the containers, 95 gallon vs. 65 gallon. The Mayor feels that the 95 gallon size is too large for the senior citizens to maneuver so he advocated for the 65 gallon size.
- Mr. Dacey said that residents will be informed so they can select the size they prefer.

**Public Comment on Agenda Items:**

- Armetria Young 88 Oak Street:
  - Spoke about Resolution #127 and asked if the new cans and trucks will be used in all 4 Wards. Mr. Dacey explained that initially the program will roll out in the 1<sup>st</sup> and 4<sup>th</sup> Wards then expand in the future to include the 2<sup>nd</sup> and 3<sup>rd</sup> Wards.

**RESOLUTION #124-05-20-14**

**AUTHORIZING AWARD OF CONTRACT FOR  
NEW ENGLEWOOD "JACK DRAKEFORD" FIREHOUSE FOR THE CITY OF ENGLEWOOD**

**WHEREAS**, sealed bids were received on May 8, 2014 for the New Englewood "Jack Drakeford" Firehouse for the City of Englewood in accordance with specifications therefore and following public advertisement; and

**WHEREAS**, specifications were sent and responsible bids were received from twelve (12) bidders listed on the attached Bid Summary Sheet; and

**WHEREAS**, the bid submitted by Dobtol Construction, 210 River Street, Suite 21, Hackensack, New Jersey 07601 for the sum of \$ 7,145,000.00 for the Base Bid including Alternate 3&4 was determined to be the low bid and is in compliance with the specifications; and based upon the recommendation of the City Engineer, can be accepted by the City Council; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available to award this contract; 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 Dobtol Construction, 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 Dobtol Construction, for the New Englewood "Jack Drakeford" Firehouse for the City of Englewood 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 14-01

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

**RESOLUTION #125-05-20-14**

**AUTHORIZING AWARD OF CONTRACT FOR  
SUMMIT STREET GUARDRAIL INSTALLATION, PROJECT NUMBER 111334**

**WHEREAS**, sealed bids were received on May 6, 2014 for the Summit Street Guardrail Installation, Project Number 111334 in accordance with specifications therefore and following public advertisement; and

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

**WHEREAS**, the bid submitted by J. Fletcher Creamer & Son, Inc., 101 East Broadway, Hackensack, New Jersey 07601 for the sum of \$17,374.00 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-04-13-006-000-006 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 J. Fletcher Creamer & Son, Inc., 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 J. Fletcher Creamer & Son, Inc., for the Summit Street Guardrail Installation, Project Number 111334 in accordance with the specifications therefore.

**BE IT FURTHER RESOLVED** that subject to the availability of funds therefore, the City Manager is authorized to approve change orders in a sum not to exceed 20% of the contract price.

Funding for this project is available from the following sources:

- Ordinance 13-06 (6)

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

**RESOLUTION #126-05-20-14**

**RESOLUTION ADOPTING IRS MILEAGE RATE FOR REIMBURSEMENT**

**BE IT RESOLVED**, that the City of Englewood shall reimburse for mileage as per the current IRS rate of \$0.56 per mile.

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

**RESOLUTION #127-05-20-14**

**AWARD OF CONTRACT TO SUPPLY AND DISTRIBUTE BOTH SOLID WASTE AND RECYCLING CONTAINERS FOR THE CITY OF ENGLEWOOD**

**WHEREAS**, the City of Englewood is desirous of purchasing both Solid Waste and Recycling Containers for use with the new automated Sanitation Trucks; and

**WHEREAS**, the City issued a Request For Proposal on March 3, 2014 and received Proposals from Respondents on March 24, 2014 to supply and distribute both solid waste and recycling containers for the City of Englewood, and based on best value, professional experience, expertise and reputation, the City Council of the City of Englewood awards a contract for such services to IPL Inc. with corporate offices located at 140 Commercial Street, Saint-Damien, QC Canada and a network of distribution and support sites located throughout the United States; and

**WHEREAS**, pursuant to N.J.S.A. 19:44A-20.5 this contract is being awarded as other than a "Fair and Open" contract as defined therein; and the Local Public Contracts Law (N.J.S.A. 40A: 1 1-1 et. seq.) authorizes the award of such professional services contracts without competitive bidding; and

**WHEREAS**, the City Manager has determined that the value of this contract to be:

7,000 units 95 gal containers @ \$50.65=	\$354,550.00
1,000 units 65 gal containers @ \$45.23=	\$ 45,230.00
100 units 35 gal containers @\$33.67=	\$ 3,367.00
Total price of	\$403,147.00

and that funds are available for this purchase from account #C-04-12-020-000-002 and the Chief Financial Officer has provided a certification to this effect; and

**WHEREAS**, the firm has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure Form certifying that the firm has not made or will make any reportable contributions that would bar the award of this contract under the provisions of N.J.S.A. 19:44A-1 et seq. and City of Englewood Ordinance No. 07-31; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, State of New Jersey that a contract is hereby awarded to IPL Inc. to supply and distribute both solid waste and recycling containers for the City of Englewood as outlined in the Request for Proposal, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and IPL Inc.

**BE IT FURTHER RESOLVED**, that a copy of the within resolution, together with a copy of the Agreement and that the Business Entity Disclosure Certification and the Determination of Value, be on file in the Office of the City Clerk and be available for public inspection during regular business hours; and

**BE IT FURTHER RESOLVED**, that the City Clerk is hereby authorized to cause a brief notice to be published once in The Record newspaper stating the nature, duration, service, and amount of the contract and that the resolution and contract are on file and available for public inspection in the office of the City Clerk.

Funding for this project is available from the following sources:

- Ordinance 12-20 (b)

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

**RESOLUTION #128-05-20-14**

**REFUND OF TAX OVERPAYMENT**

**WHEREAS**, it has been determined by the Tax Collector that the listed Block and Lots are entitled to a refund due to tax overpayments;

**WHEREAS**, it is the desire of the City Council to have the overpayments returned to the party requesting the refund;

**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 the property taxes in the amount of \$1,708.51 to BB&T Mortgage, Tax Department, P.O. Box 2387, Greenville, SC 29602.

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

**RESOLUTION #129-05-20-14**

**EXTENDING AFFORDABILITY CONTROLS FOR THE  
64 UNIT WESTMOOR GARDENS AFFORDABLE HOUSING DEVELOPMENT**

**WHEREAS**, the City of Englewood has been and remains committed to providing low and moderate income housing in the City of Englewood; and

**WHEREAS**, this commitment is embodied in the revisions to the City of Englewood’s Third Round Housing Element and Fair Share Plan which was adopted by the City of Englewood Planning Board on May 1, 2014; and

**WHEREAS**, the recently revised Housing Element and Fair Share Plan provides for a prospective obligation of 95 units of affordable housing pursuant to an amendment to the Settlement Agreement reached between the City of Englewood, ERA South, LLC, and Fair Share Housing Center; and

**WHEREAS**, a portion of the prospective obligation of 94 units includes the extension of affordability controls for the 64 unit Westmoor Gardens which are due to expire at the end of 2014.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the City of Englewood in conjunction with the City of Englewood Housing Authority hereby extends the affordability controls of the 64 unit Westmoor Gardens Affordable Housing Development in accordance with the City of Englewood’s revised Third Round Housing Element and Fair Share Plan

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to execute such necessary documents to effectuate this Agreement.

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

**RESOLUTION #130-05-20-14**

**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**

**WHEREAS**, the “West Street Renewal Area” encompassing portions of what have heretofore been designated as the West Street Redevelopment Area (“WESTRA”) and the Armory Street Redevelopment Area (“ASTRA”), has heretofore been declared by the City Council, following a hearing and recommendation thereon by the Planning Board of the City of Englewood, an area in need of renewal, rehabilitation and redevelopment; and

**WHEREAS**, by Ordinance No. 88-7, the City Council enacted on June 7, 1988 established a Redevelopment Plan and designated the City Council as the Redevelopment Agency for the West Street Renewal Area; and

**WHEREAS**, to allow for assembly of the central core from multiple owners, the City opted for redevelopment under Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* and, once assembled into common ownership, the City planners and governing body chose in 1989 a zoning scheme known as “planned development”, which is defined in the Municipal Land Use Law to include one or more subsets of planned development; and

**WHEREAS**, one of those subsets, chosen by the City for the central core, was a “planned commercial development”, defined in N.J.S.A. 40:55D-6 to mean:

. . . an area of a minimum contiguous or non-contiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses incidental to the predominant use as may be permitted by ordinance; and

**WHEREAS**, on or about March 19, 2013, the City of Englewood entered into a Redevelopment Plan Amendatory Agreement with ShopRite of Englewood Associates, Inc., GLF Realty Co., Inc., and TREECO/PALISADE COURT LIMITED PARTNERSHIP to permit the expansion of the Palisades Court Supermarket and address the development of property along James Street and to delineate the obligations of the ShopRite operator and the Developer, and to further provide for the performance and enforcement of the Redeveloper’s obligations under all applicable laws, ordinances, rules and regulations, including but not limited to the Land Use Regulations of the City of Englewood; and

**WHEREAS**, pursuant to the Redevelopment Plan Amendatory Agreement GLF Realty Co., Inc., applied for and received site plan approval from the City of Englewood Planning Board which is subject to final approval and endorsement by the Governing Body of the City of Englewood; and

**WHEREAS**, the Governing Body of the City of Englewood having reviewed the Resolution of the City of Englewood Planning Board dated April 3, 2014;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ENGLEWOOD** that pursuant to the Redevelopment Plan Amendatory Agreement it hereby approves and endorses the findings and approvals recommended in the City of Englewood Planning Board’s Resolution dated April 3, 2014 for site plan approval of the subject property.

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to execute such necessary documents to effectuate this Agreement.

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

**RESOLUTION # 131-05-20-14**

**AMENDING RESOLUTION #116-04-29-14 FOR  
A PLACE -TO- PLACE TRANSFER  
OF PLENARY RETAIL DISTRIBUTION LICENSE**

**WHEREAS**, the Place to Place transfer of Plenary Retail Distribution License 0215-44-004-007, heretofore issued to Gettenberg & Wellisch LLC trading as Englewood Wine Merchants for the premises located at 3-5 East Palisade Avenue, Englewood, NJ 07631 to be transferred to Gettenberg & Wellisch LLC trading as Englewood Wine Merchants for the premises located at 1 Engle Street, Englewood, NJ 07631 was previously approved in Resolution #116-04-29-14; and

**WHEREAS**, the effective date of June 1, 2014 must be changed to an effective date in the future; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Englewood does hereby approve, effective July 1, 2014, the Place to Place transfer of the aforesaid Plenary Retail Distribution License 0215-44-004-007 issued to Gettenberg & Wellisch LLC trading as Englewood Wine Merchants for the premises located at 1 Engle Street, Englewood, NJ 07631.

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

**Public Session:**

- Lucy Walker 363 Washington Place:
  - Spoke about Resolution #127, and that there are some streets that the new garbage collection equipment will not work. Councilwoman Algrant explained that the City is well aware of those streets and an alternate collection method will be used.
- Melvina Cobb 113 Marilyn Court:
  - Spoke about parking issues on her cul-de-sac especially this past winter.
  - This is a real safety issue for the residents.
  - Has a petition signed by all of the residents on Marilyn Court.
  - The people parking on Marilyn Court this past winter did not even move their cars for the snow plows.
  - She would like to know who to speak with to further follow up on this issue. Mr. Dacey explained that this should be further discussed with the Traffic Advisory Committee (TAC) and they can make some recommendations to the Mayor and Council. Councilman Skurnick spoke about permit parking in Teaneck. Mr. Dacey explained that it is difficult to contain permitted parking because it ends up spreading to more and more streets and creates problems. Councilman Skurnick said that they have permitted parking for everyone in Jersey City, just that residents pay less for the permit.
  - Councilman Forman asked Mrs. Cobb if she just wants permits for the residents.
  - Councilman Cohen said that the TAC is going to say no to parking permits because of what Mr. Dacey had previously stated.
  - Councilwoman Algrant requested that Bill Bailey prepare a legal memo outlining the different options regarding parking for the June 10<sup>th</sup> Workshop meeting.
  - Mrs. Cobb said that she would like permitted parking limited from 8pm to 8am for residents only. Mr. Bailey explained that you cannot earmark parking spaces on public roadways.
  - Mayor Huttie would like the City Attorney to take a careful look at cul-de-sacs.
  - Councilman Cohen suggested that Mrs. Cobb contact Sgt. Tom Greeley in order to make a request to the TAC.
- Armetria Young 88 Oak Street:
  - Spoke about City-owned property located at the corner of Howland Avenue and Oak Street. Bad trees have been removed there but no replacement trees have been planted.

- o Discussed wetlands between Englewood and Teaneck.
- o Commented that when people take trees down on their property they do not always remove them.
- o Spoke about the creek that runs between Englewood and Teaneck and that it is filled with debris and needs to be cleaned out because the water is backing up and there is also mosquito and deer problem there.

**RESOLUTION #132-05-20-14**

**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:

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.
- ( ) 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: 8:50 PM**

Motion: Hamer  
All in Favor

---

Lauren Vande Vaarst, RMC  
City Clerk