

**City of Englewood**  
**City Council Meeting Minutes**  
**July 29, 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  
Council member Eugene Skurnick  
Council member Wayne Hamer  
Council President Lynne Algrant  
City Attorney William Bailey  
City Manager Timothy Dacey  
City Clerk Lauren Vande Vaarst

Absent: Mayor Frank Huttle III

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.

**POLICE OFFICER PROMOTION**

**SERGEANT ROBERT ZIMMERMAN**

**PRESENTATION**

**ANDY HENRIQUEZ, DWIGHT MORROW HS SALUTATORIAN**

**RESOLUTION #176-07-29-14**

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

**CONCLUDED CLOSED SESSION 8:05PM AND THEN RECONVENED IN OPEN SESSION.**

**RESOLUTION #154-07-29-14**

**RESOLUTION ACCEPTING MINUTES**

**BE IT RESOLVED**, that the following minutes be and are hereby accepted and filed:

COUNCIL MEETINGS

May 20, 2014  
June 24, 2014

COUNCIL WORKSHOP MEETINGS

May 13, 2014  
June 10, 2014

CLOSED SESSIONS

February 19, 2014  
February 25, 2014- Part A  
February 25, 2014- Part B  
March 11, 2014  
March 18, 2014  
April 8, 2014  
May 13, 2014  
May 20, 2014  
June 10, 2014  
June 24, 2014

<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			

**RESOLUTION #155-07-29-14**

**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 \$3,357,420.05.

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			

**Presentation of 2013 Audit:**

- Presented by Scott Clelland, Wiss and Company.
- Audit was filed by the June 30, 2014 deadline, first time in years.
- Thanked Tim Dacey, Lauren Vande Vaarst and Ron Amorino for their assistance in the audit process.
- All of the City Financial information is up to date and the City of Englewood is in an excellent financial position.
- 2013 was the first year that the City held an accelerated tax sale and the percentage of taxes collected rose to 99.3%.
- The City held a Bond Sale and Moody's upgraded the City's rating to "stable" which is excellent.
- The 2013 Audit showed no material weaknesses or defects. Most of the Comments and Recommendations are housekeeping items and some of the changes have already been implemented and the remainder will be by September.
- Mayor and Council comments:
  - Councilman Forman asked if the County gives the City back tax revenues from appeals. Mr. Bailey explained that they do. Also asked Payroll Department and Reconciliation.
  - Councilman Skurnick asked about the \$7 million dollar surplus in the 2013 budget and feels that it was an excessive amount and is the City putting too much into surplus. Mr. Clelland explained that the State will not allow a Municipality to over budget a surplus and that unanticipated revenues must be placed into surplus. Mr. Clelland further explained to Mr. Skurnick that the Audit is not an Efficiency or Performance audit but a Financial Audit, and as such does not take into account how a department spends its money.

**Communications from the Mayor/Council Member:**

**Comments from the City Manager:**

- 176 people have signed up for the Police Exam so far.
- The 4<sup>th</sup> Ward Family Fun Day was held on Saturday, July 19, 2014 and went over very well. Some of the activities included pony rides, trackless train and bouncy houses.
- Met with Ken Katz and beginning to plan Fall skating season. The City has received \$125,000 in advance bookings to date.
- Summer Camp is full and will be ending on August 22, 2014. The City is looking to hold a 4 day camp from August 25 to 28, 2014.
- The City received two (2) grants today; Health Department for a Heart Health Program and the CDBG Grant for the Warren Street Improvements.

**ORDINANCE #14-20**

**AN ORDINANCE AMENDING CHAPTER 404 SECTION 5  
OF THE CODE OF THE CITY OF ENGLEWOOD TO PROHIBIT THE SALE OF THE TOBACCO AND NICOTINE DELIVERY  
PRODUCTS TO PERSONS UNDER THE AGE OF TWENTY-ONE (21)**

**WHEREAS**, as set forth in the findings set forth in Chapter 404-1, the City Council previously recognized the dangers and health risks associated with teenagers and young persons who start smoking as set forth in various studies conducted by the United States Department of Health, the American Cancer Society and surveys conducted by other entities. The Governing Body of the City of Englewood has concluded that it is appropriate to prohibit the sale of tobacco and nicotine delivery products within the City of Englewood to persons under the age of twenty-one (21); and

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the City of Englewood that Chapter 404 Section 5 of the City of Englewood is hereby repealed and amended as follows:

§ 404-5.

Retail sale of tobacco products.

- A. No person shall sell tobacco products or nicotine delivery products in the City of Englewood unless the sale of such products is controlled by an employee of the establishment. A person may only sell tobacco products or nicotine delivery products in a direct, face-to-face exchange between the retailer and the consumer. Self-service displays of tobacco products or nicotine delivery products shall be prohibited.

- B. No person shall sell tobacco products or nicotine delivery products to any person under the age of 21 years or give tobacco products or nicotine delivery products to any person under the age of 21.
- C. Retail establishments where tobacco products or nicotine delivery products are sold shall conspicuously post and reasonably maintain signs having a minimum size of six inches by eight inches where these products are displayed and at all check-out counters notifying customers that proof of age is required to purchase tobacco products or nicotine delivery products.
- D. All clerks selling tobacco products or nicotine delivery products shall verify by means of government-issued photographic identification containing the bearer's date of birth that no person purchasing the tobacco or nicotine containing products is younger than 21 years of age. No such verification is required for any person over the age of 26. No clerk shall sell tobacco products or nicotine delivery products to a person under 21 years of age who has a note from an adult requesting such sale.
- E. No person selling tobacco products or nicotine delivery products shall allow an employee to sell or distribute such products until the employee has read the Board of Health regulations and State laws pertaining to the sale or distribution of tobacco products and nicotine delivery products and has signed a statement that the employee has read the regulations. Such form statement will be supplied by the Board of Health and kept on file at the establishment subject to review by the Board of Health.

FIRST READING DATE: June 24, 2014

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

DATE PUBLISHED IN THE RECORD: June 27, 2014

DATES PUBLIC HEARINGS HELD: July 29, 2014

DATE SECOND READING HELD: July 29, 2014

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

**PUBLIC HEARING ON ORDINANCE #14-20:**

- Karen Blumenthal, Executive Director of GASP:
  - Thanked the Mayor and Council for their support of this ordinance and that Englewood is the first municipality in the State to adopt this. Listed other states and countries where this has been adopted.
  - Most young people start smoking younger than 21 year old.

**ORDINANCE #14-21**

**ORDINANCE AMENDING CHAPTER 404 OF THE CODE OF THE CITY OF ENGLEWOOD TO PROHIBIT SMOKING ON PUBLIC PROPERTY**

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the law of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

**WHEREAS**, the City of Englewood seeks to amend the City Code to prohibit smoking in any public building or on public property, such as public parks and recreation areas; and

**WHEREAS**, the previous State legislation which prohibited municipalities from passing strict local smoking laws that differed from the State standards was repealed and the State now expressly authorizes municipalities to enact strict ordinances regulating smoking under N.J.S.A. 26:3D-63; and

**WHEREAS**, N.J.S.A. 2C:33-13b also provides that the owner and/or operator of a public place, such as public parks and recreational areas, may prohibit smoking on such property; and

**WHEREAS**, the City Council recognizes the well-known health and safety risks posed by smoking and finds that it is within the public interest to prohibit smoking in public buildings and on public property, such as public parks and recreation areas; and

**WHEREAS**, the City Council has determined that the public interest is especially implicated in preventing the youth of Englewood from being exposed and succumbing to the temptation of experimenting with tobacco products; and

**WHEREAS**, the City Council also finds that the appearance of parks and recreation areas can be enhanced and the limited resources of the City's Department of Public Works can be conserved if smoking were to be banned from such areas, thereby keeping such areas free of the litter typically generated by the smoking of cigarettes, such as cigarette butts, ashes and packaging.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Englewood as follows:

## **SECTION 1**

Definitions. As used in this chapter, the following words shall have the following meanings:

**ENCLOSED AREA** shall mean all areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

**PARKS AND RECREATIONAL FACILITIES** shall include all public parks, playgrounds, ball fields, publicly owned or leased by the City of Englewood and all property owned or leased by the City of Englewood upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle.

**CITY BUILDINGS** shall include all structures owned, leased, rented and/or operated by the City of Englewood, and/or occupied by City employees and used for official business of the City of Englewood.

**SMOKING** - The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

Prohibition of smoking in public places; signs.

A. Smoking shall be prohibited in all City Buildings as defined herein. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted at each City Building entrance and within each closed area where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

B. Smoking shall be prohibited within a thirty-five-foot radius of the front entrance of all City Buildings. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted both on the building and at the thirty-five-foot perimeter of the front entrance of all City Buildings where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

C. Smoking shall be prohibited in all public parks and recreation facilities owned or leased by the City of Englewood and all property owned or leased by the City of Englewood upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle, which have been designated with no-smoking signs. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted in all areas regulated by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited at the designated area. The sign shall also indicate that violators are subject to a fine.

D. Smoking shall be prohibited in any vehicle registered to the City of Englewood.

Enforcement.

The enforcement authority of this chapter shall be the Police Department, Fire Department, Recreation Department, Public Works Department and Health Department of the City of Englewood.

Violations and penalties.

Any person who violates any provision of this chapter shall be subject to a fine of not less than \$250.00 for the first offense, \$500.00 for the second offense and \$1,000.00 for each subsequent offense. Any city employee found in violation of this chapter may also be subject to discipline in accordance with the provisions of the City of Englewood's policies and procedures.

**SECTION II**

If any section of provision of this Ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this Ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**SECTION III**

All Ordinances or parts of Ordinances to inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION IV**

This Ordinance shall take effect upon publication as provided by law.

FIRST READING DATE: June 24, 2014

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

DATE PUBLISHED IN THE RECORD: June 27, 2014

DATES PUBLIC HEARINGS HELD: July 29, 2014

DATE SECOND READING HELD: July 29, 2014

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

**PUBLIC HEARING ON ORDINANCE #14-21:**

- Cindy Meacham, The Center for Prevention and Counseling, Newton, NJ:
  - Announced that Englewood is the 38<sup>th</sup> municipality in Bergen County to pass an ordinance prohibiting smoking on public property.
  - Very pleased that the Mayor and Council are doing this.
  - Showed the free signage that they are providing to the City.
- Karen Blumenthal, Executive Director of GASP:
  - Thanked the Mayor and Council for their support of this ordinance and that Englewood can receive up to 10 points from Sustainable NJ for passing this ordinance.

**ORDINANCE #14-22**

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 25-18,SCHEDULE X; SECTION 25-20, SCHEDULE XII; SECTION 25-24, SCHEDULE XIV OF THE TRAFFIC AND PARKING ORDINANCE OF THE CODE OF THE CITY OF ENGLEWOOD**

**WHEREAS**, Chapter 25, Section 25-18 Schedule X, No Parking; Section 25-20,Schedule XII, Parking Prohibited During Certain Hours; Section 25-24,Schedule XIV, No Stopping or Standing as designated within the City of Englewood; and

**WHEREAS**, the Governing Body of the City of Englewood wishes to amend the following Chapter 25, Section 25-18 Schedule X, No Parking; Section 25-20,Schedule XII, Parking Prohibited During Certain Hours; Section 25-24,Schedule XIV, No Stopping or Standing.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Englewood, Bergen County, New Jersey, that Chapter 25, Section 25-18 Schedule X, No Parking; Section 25-20,Schedule XII, Parking Prohibited During Certain Hours; Section 25-24,Schedule XIV, No Stopping or Standing are hereby amended as follows:

**Section 25-18, Schedule X, No Parking**

STREET	SIDE	LOCATION
Next Day Hill Drive	North	From a point 200 feet west of Next Day Hill Court to a point 200 feet east of Next Day Hill Court <i>From Lydecker St. to a point 275 feet east thereof and from Priscilla Lane to Speer Avenue</i>

Next Day Hill Drive	South	From a point 550 feet easterly from the intersection of Lydecker Street to a point 1,100 feet easterly thereof <b>From a point 175 feet east of Lydecker St. to Speer Avenue</b>
---------------------	-------	--

**Section 25-20, Schedule XII, Parking Prohibited During Certain Hours**

STREET	SIDE	HOURS	DAYS	LOCATION
<i>Next Day Hill Drive</i>	<i>North</i>	<i>8am - 4pm</i>	<i>Monday to Friday</i>	<i>From a point 65 feet west of the westerly curbline of Priscilla Lane to a point 135 west thereof</i>
Next Day Hill Drive	South	7am - 4pm	Monday to Saturday	From a point 550 feet easterly from the intersection of Lydecker Street to a point 1,050 feet easterly therefrom

**SECTION 25-24, Schedule XIV, No Stopping or Standing**

STREET	SIDE	LOCATION
Next Day Hill Drive	North	From Lydecker St. to Speer Avenue
Next Day Hill drive	South	From Lydecker Street to a point 550 feet easterly therefrom <b>From Lydecker St. to a point 175 feet east thereof</b>

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

FIRST READING DATE: June 24, 2014

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

DATE PUBLISHED IN THE RECORD: June 27, 2014

DATES PUBLIC HEARINGS HELD: July 29, 2014

DATE SECOND READING HELD: July 29, 2014

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

**PUBLIC HEARING ON ORDINANCE #14-22:**

**No one from the Public came forward to speak**

**ORDINANCE #14-23**

**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 as designated within the City of Englewood; and

**WHEREAS**, the Governing Body of the City of Englewood wishes to amend the following Handicapped Parking 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
North Van Brunt Street [Added 12-7-2004 by Ord. No. 04-27]	West	<p>a. From a point 360 feet north of the northerly curblineline of West Palisade Avenue to a point 20 feet north thereof <b><i>From a point 54 feet south of the southerly curblineline of Daisy Place to a point 22 feet south thereof</i></b></p> <p>b. From a point 191 feet north of the northwest curblineline of West Palisade Avenue to a point 40 feet north thereof [Added 3-14-2006 by Ord. No. 06-03]</p>

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

FIRST READING DATE: June 24, 2014

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

DATE PUBLISHED IN THE RECORD: June 27, 2014

DATES PUBLIC HEARINGS HELD: July 29, 2014

DATE SECOND READING HELD: July 29, 2014

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

**PUBLIC HEARING ON ORDINANCE #14-23:**

**No one from the Public came forward to speak**

**ORDINANCE #14-24**

**BOND ORDINANCE APPROPRIATING \$2,810,000 FOR VARIOUS GENERAL IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF \$2,669,000 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 \$2,810,000. A down payment of \$141,000 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 \$2,810,000 appropriation not otherwise provided for hereunder, negotiable bonds of the City are hereby authorized to be issued in a principal amount not to exceed \$2,669,000 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 \$2,669,000 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 \$2,669,000, 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:

<b>Improvements/Purposes</b>	<b>Estimated Cost</b>	<b>Down payment (Capital Improvement Fund)</b>	<b>Bonds or Notes Authorized</b>	<b>Useful Life (Years)</b>
1.) Roadway improvements, including but not limited to Warren Street, Howell Road, Brayton Street, Englewood Avenue and other designated streets, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$1,155,000	\$57,750	\$1,097,250	10
2.) Sanitary Sewer Improvements, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$325,000	\$16,250	\$308,750	40
3.) Park Equipment to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$ 185,000	\$9,250	\$175,750	15
4.) Acquisition of Equipment including but not limited to (2) vehicles for Code Enforcement, (2) vehicles for the Health Department, Taser (5 systems), in vehicle radios (4) and defib packages (10) for the Police Department, turnout gear and air packs/FCBA upgrades for the Fire Department and Garbage Containers for the DPW, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$ 555,000	\$27,750	\$527,250	5
5.) Facility improvements at various locations throughout the City, including but not limited to fencing at Overpeck Creek and acquisition and installation of emergency generators, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$ 410,000	\$20,500	\$389,500	15
6.) Acquisition, replacement and installation of traffic signals and controllers, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$ 180,000	\$9,500	\$170,500	15
<b>TOTALS</b>	<b>\$2,810,000</b>	<b>\$141,000</b>	<b>\$2,669,000</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 14.05 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 \$2,669,000 and obligations authorized and/or hereunder will be within all debt limitations prescribed by said Law.

(d) Amounts not exceeding \$500,000 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: June 24, 2014

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

DATE PUBLISHED IN THE RECORD: June 27, 2014

DATES PUBLIC HEARINGS HELD: July 29, 2014

DATE SECOND READING HELD: July 29, 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 #14-24:**

- Norman Gorlyn, 150 Madison Avenue:
  - Asked why the surplus is not being applied to Capitol Improvements instead of going out to Bond.
  - Why can't the Notes be paid down annually before they mature. Mr. Dacey explained that we do this every year and he also spoke about the future with money coming in for the Lincoln School project, etc.

**ORDINANCE #14-25**

**BOND ORDINANCE AMENDING IN ITS ENTIRETY BOND ORDINANCE NO. 13-01 ADOPTED FEBRUARY 26, 2013 AND ENTITLED: "BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL PROJECTS OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$2,900,000 THEREFOR, INCLUDING \$800,000 EXPECTED TO BE RECEIVED AS GRANTS, AND INCLUDING THE AGGREGATE SUM OF \$105,000 AS**

**THE DOWN PAYMENT FOR THE IMPROVEMENT OR PURPOSES AND AUTHORIZING THE ISSUANCE OF \$1,995,000 BONDS OR NOTES OF THE CITY FOR FINANCING PART OF THE COSTS THEREOF” TO INCREASE THE AUTHORIZED BONDS AND/OR BOND ANTICIPATION NOTES TO \$2,099,500 AND TO MAKE SUCH OTHER CONFORMING CHANGES AS NECESSARY 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.** Bond Ordinance No. 13-01 adopted February 26, 2013, entitled: “**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL PROJECTS OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$2,900,000 THEREFOR, INCLUDING \$800,000 EXPECTED TO BE RECEIVED AS GRANTS, AND INCLUDING THE AGGREGATE SUM OF \$105,000 AS THE DOWN PAYMENT FOR THE IMPROVEMENT OR PURPOSES AND AUTHORIZING THE ISSUANCE OF \$1,995,000 BONDS OR NOTES OF THE CITY FOR FINANCING PART OF THE COSTS THEREOF**” be and is hereby amended in its entirety to read as follows:

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL PROJECTS OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$2,900,000 THEREFOR, INCLUDING \$690,000 EXPECTED TO BE RECEIVED AS GRANTS, AND INCLUDING THE AGGREGATE SUM OF \$110,500 AS THE DOWN PAYMENT FOR THE IMPROVEMENT OR PURPOSES AND AUTHORIZING THE ISSUANCE OF \$2,099,500 BONDS OR NOTES OF THE CITY FOR FINANCING PART OF THE COSTS THEREOF.**

**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 members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Englewood, New Jersey, as a general improvement. For the improvement or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for the improvement or purposes, such sums amounting in the aggregate to \$2,900,000 including \$690,000 expected to be received as grants, and including the aggregate sum of \$110,500 as the down payment for the improvement or purposes. The down payment is now available for capital improvement purposes in the Capital Improvement Fund.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,099,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The improvement hereby authorized and the several purposes for which the bonds are to be issued, the estimated costs of the improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for the improvement and the period of usefulness of the improvement are as follows, and are more particularly described in the plans and specifications on file with the City, which plans and specifications are hereby approved, including all work, materials and all else necessary therefor and incidental thereto:

Improvement or Purpose	Appropriation & Estimated Cost	Maximum Amount of Bonds or Notes	Useful Life
Overpeck Creek Channel Wall Replacement	\$2,900,000	\$2,099,500	15

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer’s signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale, and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained, and the name of the purchaser.

Section 5. The capital budget of the City of Englewood is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board 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 Clerk and is

available there for public inspection.

Section 6. Any grants received by the City for any purpose set forth in Section 3 hereof, including but not limited to, Bergen County Community Development Grants, are hereby appropriated for said purpose set forth in Section 3 hereof and shall be applicable either to the direct payment of the cost of such purpose or to the payment or reduction of the obligations issued or authorized herein. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 7. The following additional matters are hereby determined, declared, recited, and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the City may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof, within the limitations of the Local Bond Law, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the 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. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and bond anticipation notes provided in this bond ordinance by \$2,099,500. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$250,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 8. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. This bond ordinance shall take effect 20 days after publication thereof after final adoption, as provided by the Local Bond Law.

**SECTION 2.** 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 3.** 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 4.** 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: June 24, 2014

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

DATE PUBLISHED IN THE RECORD: June 27, 2014

DATES PUBLIC HEARINGS HELD: July 29, 2014

DATE SECOND READING HELD: July 29, 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 #14-25:  
No one from the Public came forward to speak**

**ORDINANCE #14-26**

**AN ORDINANCE AMENDING THE MUNICIPAL LAND USE ORDINANCE OF THE CITY OF ENGLEWOOD TO CREATE THE "DOWNTOWN REDEVELOPMENT OVERLAY ZONE" ("DRL") FOR THE LINCOLN SCHOOL AND WILLIAMS STREET FIREHOUSE REDEVELOPMENT SITES**

**WHEREAS**, in furtherance of efforts to enhance and revitalize the Central Business District and vicinity and to further promote the public health, safety, morals and welfare, the City heretofore resolved to redevelop the premises located along West Englewood Avenue to the south and bounded by N. Van Brunt Street to the west, West Palisade Avenue to the north, and Bennett Road to the east, comprising Blocks 2303, 2304 and 2305 as shown on the Tax Map of the City of Englewood, which area has heretofore been declared to be an "Area in Need of Redevelopment" and is encompassed within the "Armory Street Renewal Area" ("ASTRA"); and

**WHEREAS**, in furtherance of the foregoing, the City of Englewood heretofore adopted Ordinance No. 96-12 establishing a Redevelopment Plan and designating the City Council of the City of Englewood as the Redevelopment Entity for ASTRA; and

**WHEREAS**, in furtherance of the foregoing, the City of Englewood acquired the former Lincoln Elementary School ("Lincoln School Site") from the Englewood Board of Education, designated as Lot 12 in Block 2305, and has consolidated that site with the William Street Firehouse ("Firehouse Site"), designated as Lot 13 in Block 2305, for a total acreage of approximately 2.5 acres, for the purpose of entertaining an offer of private sale and redevelopment of the consolidated properties (the "Redevelopment Area"), consistent with a Redevelopment Plan to be established by the Planning Board of the City of Englewood and the City; and

**WHEREAS**, in response to a "Request For Qualifications/Request For Proposals" dated April 12, 2013 ("RFQ/RFP"), BNE Real Estate Group Englewood, LLC, having an address of 16 Microlab Road, Livingston, New Jersey 07039, and Sterling Properties Englewood, LLC, with an address of 600 S. Livingston Avenue, Suite 102, Livingston, New Jersey 07039, separately responded to the said RFQ/RFP and thereafter subsequently merged their respective development interests into the unified entity, **ENGLEWOOD BUILDERS URBAN RENEWAL, LLC** (hereinafter sometimes referred to as "the Redeveloper"), and negotiated a unified proposal with the City; and

**WHEREAS**, on February 20, 2014, the Planning Board of the City of Englewood adopted a new Master Plan pursuant to N.J.S.A. 40:55D-28 (memorialized on March 6, 2014), having retained, in April 2012, its consultant, Brown & Keener, a division of RBA Group of Philadelphia, Pennsylvania, and completing public forums during the calendar year 2012, followed by a public hearing on the Master Plan draft on January 23, 2014; and

**WHEREAS**, the Master Plan of 2014 makes the following recommendation:

- D1.3. (at page 50) - Redevelop the Lincoln School and firehouse sites for residential and office and/or arts related uses at a dimension and scale that complements both Palisade Avenue and the adjacent Englewood Avenue residential neighborhood. The development will recapture public investment in the property and should result in William Street façade(s) and streetscape features that make it a beautiful link between Englewood's main street and Mackay Park.

**WHEREAS**, on February 21, 2014 the City entered into a Memorandum of Understanding with the Redeveloper stating the broad outlines of the parties' agreement to redevelop the Redevelopment Area, consistent with the foregoing Master Plan objective; and

**WHEREAS**, the parties formalized that commitment by a Redevelopment Agreement dated May 7, 2014, which contemplates a Zoning Ordinance Amendment to facilitate redevelopment of the Redevelopment Area in accordance with the zoning and design criteria originally conceived by the City Council and ultimately negotiated with the chosen redeveloper;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Englewood, Bergen County, New Jersey, as follows:

**SECTION 1. DOWNTOWN REDEVELOPMENT OVERLAY (DRL) ZONE; BOUNDARIES.** The DLR zone is an overlay zone bounded by two lots, Lots 12 and 13 on Block 2305, as shown on the appended map entitled "DRL-Downtown Redevelopment Area, Lincoln School Site", dated May 1, 2014.

**SECTION 2. ZONING CRITERIA.** The following zoning criteria apply to the DLR Zone:

Permitted Uses: Multi-family residential and associated ground floor retail/commercial space.

Minimum Lot Size: Two (2) acres.

Minimum Frontage on a City Street: Two-hundred (200) feet.

Maximum Building Height: Five (5) stories and 60 feet to the top of roof parapet, excluding typical rooftop appurtenances, such as required elevator and stair bulkheads, chimneys, all of which may exceed the maximum height by no more than

10 feet for a maximum of 15% of the roof area. Along Englewood Avenue, the above shall apply to no more than 100 lineal feet. Any frontage above 100 lineal feet along Englewood Avenue shall be no more than 4 stories or 46 feet in height to the top of the roof parapet, for a step-back distance of 35 feet from the property line. At 35 feet stepped back from the property line, the maximum building height shall be 5 stories and 60 feet.

Minimum Front Yards:

William Street – Five (5) feet.  
Englewood Avenue – Fifteen (15) feet.  
Humphrey Street – Six (6) feet.

Maximum Building Coverage: The maximum building coverage shall not exceed Eighty (80%) percent of the lot size.

Maximum Density: The maximum density shall not exceed **eighty (80) dwelling units** per acre or **one hundred ninety-seven (197) dwelling units** in total for the site, whichever is less. The minimum density shall be one hundred sixty-five (165) dwelling units.

Minimum Parking Requirement:

The minimum parking requirement shall be **1.7 vehicles per dwelling unit**. There shall be no parking requirement for commercial or other non-residential space.

Parking Space Dimensions:

For indoor residential parking garages or at-grade parking the following shall apply-

- Minimum size parking space – 9 feet x 18 feet for perpendicular parking;
- Minimum size compact parking space - 8 feet, 6 inches x 16 feet for perpendicular parking;
- Maximum number of compact size spaces – 40% of the total parking spaces;
- Tandem spaces for use for the same household only – 10% maximum of the total parking spaces may be tandem spaces; and

Aisle Width: Minimum Aisles shall be 22 feet for full size vehicles and 20 feet for compact aisles.

**SECTION 3. DESIGN CRITERIA.** The goal of DLR Zone is to encourage high-quality, exemplary architectural design. Traditional and vernacular building architecture and urban design patterns of Englewood shall serve as references for design of new buildings within the Redevelopment Area. The design of new structures shall not replicate architectural styles and detailing found in nearby buildings and new structures shall substantially vary from one another to create diversity within the Facades. Building designs shall comply with the following:

A. Scale and Massing:

Architectural variety is encouraged among the new buildings. Buildings facades should be broken down into vertical segments or bays. Regardless of height, designs should be “wall dominant” with the roof elements less prominent in the overall design. A variety of architectural scales and styles shall be incorporated along frontages.

Human scale elements should be employed at ground level, especially along street frontages and adjacent to entryways. Use of doors, windows, columns, canopies, ornamental grills, and awnings can help establish pedestrian scale.

B. Articulation and Vertical Rhythm:

The relationship of width to height of windows and door openings at ground level should be visually compatible with openings in same building. A clear visual division between the ground floor and upper level floors shall be established using cornice lines, band coursing, windows or similar horizontal architectural elements. There shall be a clearly defined base, middle and top of building, as defined below:

Base: Shall be defined by a horizontal articulation between grade and second floor windows. The articulation can be through a change in materials, change in detail of materials (i.e. brick work and patterning), or introduction of horizontal band course to separate base of building from second and third floors. Linking first two floors of windows into oversized opening with detailed panels between the windows creates a larger scale at the base of the building.

Middle: Shall be defined by regular rhythm of windows, clearly defined bays that are divided into vertical elements through window alignments and groupings. Windows may be joined together to create larger scale opening at the middle of the building.

Top: May be defined by cornice lines, mansard roof with dormers or a change in window type or style on top floor. Mansard roof and dormers may be used to combine two or more floors at the top of the building to reduce perceived building height by incorporate roof materials on the building façade.

Ground floor storefronts should be distinguished from upper floors. Structural rhythms along the streetscape should be maintained even though the architectural design and style of individual stores may vary. Rhythm of ground floor architectural features shall harmonize with rhythm of upper stores. Accordingly, base facades of buildings shall not be continuous and monolithic, but shall incorporate articulation and rhythm from upper stories.

C. Horizontal Rhythm:

Long horizontal street frontages shall be broken down in scale into vertically proportionally pieces with a variety of window types and patterns. Use of bay windows and balconies as architectural features are permitted and can help provide scale and rhythm, but shall not be repetitive. Vertical modulation shall be 12-15 feet and vertical modules shall be organized into two, three,

four, and five groupings to create variety across the street façade. No more than 30% of each façade may be compromised of bays. Bays may project up to 4 feet. The design of balconies shall be consistent with the overall architectural design and be compatible with façade materials. No balcony, bay window or other permanent building construction shall extend into any public right-of-way.

Vertical rhythm can be defined using columns, piers, and window design/placement or similar architectural features spaced generally between no less than 20 feet and no greater than 40 feet to create breaks at regular intervals.

**D. Pedestrian-scaled Building Height Articulation:**

To ensure consistency with the surrounding neighborhood district scale and mass, particularly for buildings over 4 stories above street level or over 40 feet, no less than three of the following architectural elements shall be incorporated into street facing facades:

- Significant horizontal element, such as a cornice or a similar horizontal member, separating 4<sup>th</sup> and 5<sup>th</sup> stories with different masonry course work, material and/or above cornice line or horizontal member.
- Mansard roof.
- Decorative window heads and sills.
- Decorative corbels and brackets for cornices and bay windows.
- Decorative bay windows with panels and trim work.
- Brick pattern work and panels.
- Pre-cast concrete or masonry details at columns, piers and keystones.
- Pre-cast concrete or masonry water tables at the building base.
- Decorative pre-cast or brick belt courses.
- Decorative metal fences and railings.
- Juliet balconies.
- Decorative window surrounds.
- Decorative gutters, downspouts and scuppers.
- Awnings and canopies.
- Parapets and chimneys.

A special top floor step-back is required along a portion of the Englewood Avenue frontage. Except for 100 lineal feet along the Englewood Avenue frontage the top floor shall step-back at least 35' from the property line and the maximum building height in the step-back area shall not exceed 4 stories or 46'.

**E. Fenestration and Garage Openings:**

Windows of similar design, size and material should be similar in design to those in adjacent buildings and conform to the pattern and rhythm of other buildings of similar context. Each building façade shall contain a variety of window styles, groupings, colors and/or mullion patterns. Windows that are in brick facades to be set back from face of brick approximately 4 inches. Windows in siding to be wrapped in a 4 inch (minimum) trim with head and sill detail.

Garage openings, where applicable, will be treated with similarly scaled openings as the windows above them. Garages openings shall be located in the same vertical alignment as windows or decorative grills that relate in color and scale to the windows above them.

**F. Street Façade Treatment – Materials:**

Front facades which front directly on a street shall have materials which are similar or complementary to those found in traditional and vernacular buildings in Englewood. A variety of materials and colors shall be applied across the building façade to modulate facades into smaller pieces and give each piece and individual appearance and cohesive theme. Façade materials shall be selected and assembled so that the building appears heavier at the base and lighter at the top. Materials shall be used to define the top, middle and base of the building as follows:

- Base: Stone or brick.
- Middle: Brick or Masonry (Bays and Panels may be metal).
- Top: Brick, Metal work or Cement Siding Boards.

The only primary materials permitted are brick, stone, precast stone, and fiber cement planks. The only secondary materials permitted are stucco, fiber cement panels, other masonry, spandrel glass and metal detail. Secondary materials shall be permitted on interior courtyards not visible from public or private streets. The Planning Board, in its sole discretion, may permit additional façade materials on interior courtyards. Any materials not specifically listed as permitted, notwithstanding those façade materials within the Planning Board's discretion, are prohibited. No more than three difference material types should be used on a building's exterior. Color, texture, and pattern variations of primary materials are permitted. All sides of a building within public view shall use the same materials and colors as the primary facades. Metal louvers are permitted to be placed on exterior elevations but cannot become a dominant element in the design of elevations; any louvers must be integrated into the overall design and meet color restrictions as defined herein.

**G. Street Façade Treatment – Colors:**

Colors commonly described with terms such as neon, fluorescent, Day-Glo, iridescent and similar terms shall not be applied to the exterior surface of any structure. Color palette selection for façade materials should usually be no more than three primary colors. Façade colors should match adjacent colors used for metal flashing paint, caulk and other miscellaneous building

components. Exterior colors shall be compatible with adjacent structures. Color schemes shall be used consistently, including both the upper and lower portions of buildings, all sides of buildings, and on elements and details.

### **Section 3. GENERAL ADMINISTRATIVE PROVISIONS.**

A. No building shall be constructed over public rights-of-way in the project area with the exception of freestanding structures ancillary to public plazas and/or pedestrian walkways, which shall be subject to review by the Planning Board.

B. Prior to commencement of construction, site plans for the construction and/or rehabilitation of improvements to the Redevelopment Area shall be submitted by the developer to the Planning Board of the City of Englewood for review and approval so that compliance of such plans with the redevelopment objectives can be determined. Site plan review shall be conducted by the Planning Board pursuant to N.J.S.A. 40:55D-1 et. seq. (Delete entire sentence - Applications may be submitted for the entire project or in any number of phases.)

C. As part of any site plan approval, the Planning Board may require a developer to furnish performance guarantees pursuant to N.J.S.A. 40:55D-53 et seq. Such performance guarantees shall be in favor of the City in a form approved by the City Solicitor. The amount of any such performance guarantee shall be determined by the City Engineer and shall be sufficient to assure completion of site improvements within two (2) years of final site plan approval.

D. All traffic impact studies shall incorporate, as part of the study, all projects approved or proposed in the immediate area. A listing of the projects may be obtained from the City Construction Official.

E. No use or reuse shall be permitted, which, when conducted under proper safeguards, will produce corrosive, toxic or noxious fume, glare, electromagnetic disturbances, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration (60 decibels), or other objectionable features so as to be detrimental to the public health, safety or general welfare.

F. All residential redevelopment proposals and construction plans shall meet or exceed applicable FHA minimum room size requirements prior to approval by the Planning Board.

G. The provisions of this Plan specifying the redevelopment of the project area and the requirements and restrictions with respect thereto shall be in effect for a period of ten (10) years from the date of approval of this Plan by the City Council of the City of Englewood; provided, however, that any development or redevelopment projects that are commenced and/or completed within said ten (10) year period shall be deemed to comply with all applicable laws, so long as they comply with the provisions of this Redevelopment Plan. At the end of this ten (10) year period, the zoning regulations contained herein shall be incorporated into the zoning ordinance of the City of Englewood in accordance with the appropriate State statutes.

H. Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with the requirements of this Plan and Chapter 250 (entitled "Land Use") of the Code of the City of Englewood (hereafter "Chapter 250").

I. Upon demolition of existing structures and in the interim period prior to construction of new buildings (if any), the site shall be graded and planted or sodded, with a durable dust free surface.

J. Deviation Requests. The Planning Board may grant minor deviations from the regulations where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan. No deviations may be granted which will result an increase in height or a decrease in setbacks. Further, no deviations may be granted which will result in permitting:

1. A use or principal structure in a district which does not permit such use or principal structure;
2. An expansion of a non-conforming use;
3. An increase in height of more than ten feet or 10% of the permissible height in feet, whichever is less.
4. An increase in the height of the building base exceeding 5% in feet;
5. An increase in the permitted floor area ratio;
6. An increase in the parking ratio of 10%;
7. Breach the minimum or maximum number of permitted stories.
8. Right-of-way width, and pavement width beyond normal adjustments encountered during survey synchronization;
9. Non-completion of minimum open space, parks, or other type of phased improvements required to be implemented; or
10. Deviation from the Impact Fees provisions set forth in this Plan.

K. The Redeveloper shall provide adequate water, sewer and other necessary utilities to the site, to the satisfaction of the City Engineer and the respective utility authority. All costs necessary for infrastructure improvements associated with a development project, off-site as well as on-site, are the responsibility of the Redeveloper.

- L. This Redevelopment Plan may be amended at the initiative of the City, consistent with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and subject to the vested rights of a Redeveloper. This Redevelopment Plan may also be amended from time to time at the initiative of a property owner within the Redevelopment Area, consistent with the foregoing statutory procedures. A fee of \$5,000.00 plus all costs for copying and transcripts shall be payable to the City of Englewood for any request by a property owner to amend this Redevelopment Plan.

**SECTION 4: SEVERABILITY.** Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

**SECTION 5: REPEALER.** All ordinances, codes or parts thereof that are inconsistent with this Ordinance are repealed or otherwise modified.

**SECTION 6: EFFECTIVE DATE.** This Ordinance shall take effect upon passage and publication as required by law.

FIRST READING DATE: June 24, 2014

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

DATE PUBLISHED IN THE RECORD: June 27, 2014

DATES PUBLIC HEARINGS HELD: July 29, 2014

DATE SECOND READING HELD: Not voted on, revised Ordinance 14-26A was Introduced- amending Maximum Building Coverage from "shall not exceed 80%" to "not exceed 88%".

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

**PUBLIC HEARING ON ORDINANCE #14-26:**

- Curtis Caviness, 41 E. Forest Avenue:
  - Inquired as to the status of the environmental remediation for these sites and if any materials are located under the stores in the area. Ken Albert explained that it is only the old Firehouse site that requires remediation and the City has hired a LSRP to evaluate the site. There is a plume onsite that is running diagonally across the property and contamination is much less than originally anticipated. Can excavate once building is torn down. Mr. Albert said that the City has been unable to trace the source of the contamination. The site is registered with the NJDEP.

**ORDINANCE #14-27**

**ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF THE CITY OF ENGLEWOOD REGARDING THE INDEMNIFICATION AND DEFENSE OF CITY EMPLOYEES AND OFFICIALS**

**WHEREAS**, the Governing Body of the City of Englewood seeks to amend the City Code to clarify and address situations and circumstances under which employees and officers of the City as defined herein would be entitled to indemnification and a legal defense whenever a civil action is filed against any employee or official of the City for any action or omission arising out of or in the course of the performance of the duties of such office, position or employment to the extent permitted by law;

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

**Chapter 3. DEFENSE AND INDEMNIFICATION**

**§ 3-64. Definitions.**

As used in this chapter, the following terms shall have the meaning indicated:

**PUBLIC EMPLOYEE**

Any current or former elected or appointed official, officer or member of the boards, agencies and commissions of the City, or employee, whether compensated or not, whether full-time or part-time, who is or was authorized by the City to perform any acts or services; provided, however, that this term does not include an independent contractor.

**§ 3-65. Defense of Actions.**

The City shall provide for the defense of any civil actions brought against a public employee arising out of any act or omission directly related to the lawful exercise of that person's authority in the furtherance of his or her official duties, and this obligation shall extend to any cross-action, counterclaim or cross-complaint against such employee.

**§ 3-66. Exceptions.**

The provisions of this chapter shall not be applicable when the City Council determines that:

- A. The act or omission was not directly related to the lawful exercise of that person's authority in the furtherance of his or her official duties.
- B. The act or failure to act was because of actual fraud, willful misconduct or actual malice.
- C. The defense of the action or proceeding is provided for by an insurance policy or policies, whether obtained by the City or by any other person.
- D. The public employee failed to deliver to the City, within 10 calendar days after the time he or she was served with the summons, complaint, process, notice, demand or pleading, the original or a copy of the same.
- E. The public employee has failed to cooperate fully with the defense.
- F. The action is a disciplinary proceeding instituted against the employee by the City or is a criminal proceeding instituted as a result of a complaint on behalf of the City; provided, however, that reimbursement for the expenses of the defense of such actions may be required under certain circumstances as required by law.

**§ 3-67. Methods of Providing Defense.**

The City may provide any defense required of it under this chapter through the City Attorney or through the retention of another attorney. The cost of retention of an outside attorney shall be provided when the defense of the action or proceeding creates a conflict of interest between the City and the public employee.

- A. When the City provides any defense required of it under this chapter through the City Attorney, the City may assume exclusive control over the representation of the public employee, and such employee shall cooperate fully with the defense.
- B. The City Council may approve the retention of an outside attorney in accordance with the following conditions:
  - (1) The employee does not have the right to an attorney of his or her choice at City expense. However, the City Council may approve of any attorney requested by the employee.
  - (2) The attorney retained by the City shall provide a written retainer agreement and shall submit a Certification of Services rendered prior to payment.
  - (3) Nothing in this chapter shall prevent an employee from retaining an attorney of the employee's choice at his or her own expense, without reimbursement from the City.
- C. City Attorney responsibilities; possible conflicts.
  - (1) When the outside attorney is retained, the City Attorney shall be directly involved with the public employee's attorney concerning any recommendation for settlement of a civil lawsuit. The City Attorney shall then present any recommendation of settlement, which must be in the best interest the City, to the City Council for its approval.
  - (2) Where a possible conflict exists between the City and the public employee, acting within the scope of his official duties, and where both are named as parties in the same civil lawsuit, the City Attorney may decline any involvement in the matter.
  - (3) In circumstances involving litigation or other legal proceedings between two public employees qualifying for the privileges granted herein, the City Attorney will not be required to represent or otherwise participate on behalf of either party.

**§ 3-68. Indemnification.**

- A. In any case where the City is required to provide a defense or where the employee is entitled to defense reimbursement under this chapter, the City shall pay or shall reimburse the public employee for:

- (1) Any bona fide settlement agreements entered into by the employee, provided that the procedures set out in this chapter have been complied with;
- (2) Any judgment entered against the employee.

B. In addition, in any case where the City would be required to provide a defense under this chapter, except for the fact that such defense is provided for by insurance, the City shall provide indemnification as aforesaid, but only to the extent not covered by insurance. Nothing in this chapter shall authorize the City to pay for punitive or exemplary damages or damages resulting from the commission of a crime, except that the City may indemnify an employee for exemplary or punitive damages resulting from the employee's civil violation of state or federal law if, in the opinion of the City Council, the acts committed by the employee upon which the damages are based did not constitute actual fraud, actual malice, willful misconduct or intentional wrong.

**§ 3-69. Reimbursement Back to City Required.**

If, pursuant to the terms of this section or any other applicable law, the City has paid any legal fees, defense costs, or damages on account of a City official and it is later determined that the payment of same was improper or was disallowed under the terms of this section or any law, then the City official shall within thirty (30) days of the receipt of the City's demand reimburse to the City the full amount of the improper or disallowed payments made by the City.

FIRST READING DATE: June 24, 2014

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

DATE PUBLISHED IN THE RECORD: June 27, 2014

DATES PUBLIC HEARINGS HELD: July 29, 2014

DATE SECOND READING HELD: July 29, 2014

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

**PUBLIC HEARING ON ORDINANCE #14-27:  
No one from the Public came forward to speak**

**ORDINANCE #14-26A**

**AN ORDINANCE AMENDING THE MUNICIPAL LAND USE ORDINANCE OF THE CITY OF ENGLEWOOD TO CREATE THE "DOWNTOWN REDEVELOPMENT OVERLAY ZONE" ("DRL") FOR THE LINCOLN SCHOOL AND WILLIAMS STREET FIREHOUSE REDEVELOPMENT SITES.**

**WHEREAS**, in furtherance of efforts to enhance and revitalize the Central Business District and vicinity and to further promote the public health, safety, morals and welfare, the City heretofore resolved to redevelop the premises located along West Englewood Avenue to the south and bounded by N. Van Brunt Street to the west, West Palisade Avenue to the north, and Bennett Road to the east, comprising Blocks 2303, 2304 and 2305 as shown on the Tax Map of the City of Englewood, which area has heretofore been declared to be an "Area in Need of Redevelopment" and is encompassed within the "Armory Street Renewal Area" ("ASTRA"); and

**WHEREAS**, in furtherance of the foregoing, the City of Englewood heretofore adopted Ordinance No. 96-12 establishing a Redevelopment Plan and designating the City Council of the City of Englewood as the Redevelopment Entity for ASTRA; and

**WHEREAS**, in furtherance of the foregoing, the City of Englewood acquired the former Lincoln Elementary School ("Lincoln School Site") from the Englewood Board of Education, designated as Lot 12 in Block 2305, and has consolidated that site with the William Street Firehouse ("Firehouse Site"), designated as Lot 13 in Block 2305, for a total acreage of approximately 2.5 acres, for the purpose of entertaining an offer of private sale and redevelopment of the consolidated properties (the "Redevelopment Area"), consistent with a Redevelopment Plan to be established by the Planning Board of the City of Englewood and the City; and

**WHEREAS**, in response to a "Request For Qualifications/Request For Proposals" dated April 12, 2013 ("RFQ/RFP"), BNE Real Estate Group Englewood, LLC, having an address of 16 Microlab Road, Livingston, New Jersey 07039, and Sterling Properties Englewood, LLC, with an address of 600 S. Livingston Avenue, Suite 102, Livingston, New Jersey 07039, separately responded to the said RFQ/RFP and thereafter subsequently merged their respective development interests into the unified entity, **ENGLEWOOD BUILDERS URBAN RENEWAL, LLC** (hereinafter sometimes referred to as "the Redeveloper"), and negotiated a unified proposal with the City; and

**WHEREAS**, on February 20, 2014, the Planning Board of the City of Englewood adopted a new Master Plan pursuant to N.J.S.A. 40:55D-28 (memorialized on March 6, 2014), having retained, in April 2012, its consultant, Brown & Keener, a division of RBA Group of Philadelphia, Pennsylvania, and completing public forums during the calendar year 2012, followed by a public hearing on the Master Plan draft on January 23, 2014; and

**WHEREAS**, the Master Plan of 2014 makes the following recommendation:

- D1.3. (at page 50) - Redevelop the Lincoln School and firehouse sites for residential and office and/or arts related uses at a dimension and scale that complements both Palisade Avenue and the adjacent Englewood Avenue residential neighborhood. The development will recapture public investment in the property and should result in William Street façade(s) and streetscape features that make it a beautiful link between Englewood's main street and Mackay Park.

**WHEREAS**, on February 21, 2014 the City entered into a Memorandum of Understanding with the Redeveloper stating the broad outlines of the parties' agreement to redevelop the Redevelopment Area, consistent with the foregoing Master Plan objective; and

**WHEREAS**, the parties formalized that commitment by a Redevelopment Agreement dated May 7, 2014, which contemplates a Zoning Ordinance Amendment to facilitate redevelopment of the Redevelopment Area in accordance with the zoning and design criteria originally conceived by the City Council and ultimately negotiated with the chosen redeveloper;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Englewood, Bergen County, New Jersey, as follows:

**SECTION 1. DOWNTOWN REDEVELOPMENT OVERLAY (DRL) ZONE; BOUNDARIES.** The DLR zone is an overlay zone bounded by two lots, Lots 12 and 13 on Block 2305, as shown on the appended map entitled "DRL-Downtown Redevelopment Area, Lincoln School Site", dated May 1, 2014.

**SECTION 2. ZONING CRITERIA.** The following zoning criteria apply to the DLR Zone:

Permitted Uses: Multi-family residential and associated ground floor retail/commercial space.

Minimum Lot Size: Two (2) acres.

Minimum Frontage on a City Street: Two-hundred (200) feet.

Maximum Building Height: Five (5) stories and 60 feet to the top of roof parapet, excluding typical rooftop appurtenances, such as required elevator and stair bulkheads, chimneys, all of which may exceed the maximum height by no more than 10 feet for a maximum of 15% of the roof area. Along Englewood Avenue, the above shall apply to no more than 100 lineal feet. Any frontage above 100 lineal feet along Englewood Avenue shall be no more than 4 stories or 46 feet in height to the top of the roof parapet, for a step-back distance of 35 feet from the property line. At 35 feet stepped back from the property line, the maximum building height shall be 5 stories and 60 feet.

Minimum Front Yards:

William Street – Five (5) feet.

Englewood Avenue – Fifteen (15) feet.

Humphrey Street – Six (6) feet.

Maximum Building Coverage: The maximum building coverage shall not exceed Eighty-eight (88%) percent of the lot size.

Maximum Density: The maximum density shall not exceed eighty (80) dwelling units per acre or one hundred ninety-seven (197) dwelling units in total for the site, whichever is less. The minimum density shall be one hundred sixty-five (165) dwelling units.

Minimum Parking Requirement:

The minimum parking requirement shall be 1.7 vehicles per dwelling unit. There shall be no parking requirement for commercial or other non-residential space.

Parking Space Dimensions:

For indoor residential parking garages or at-grade parking the following shall apply-

- Minimum size parking space – 9 feet x 18 feet for perpendicular parking;

- Minimum size compact parking space - 8 feet, 6 inches x 16 feet for perpendicular parking;
- Maximum number of compact size spaces – 40% of the total parking spaces;
- Tandem spaces for use for the same household only – 10% maximum of the total parking spaces may be tandem spaces; and

Aisle Width: Minimum Aisles shall be 22 feet for full size vehicles and 20 feet for compact aisles.

**SECTION 3. DESIGN CRITERIA.** The goal of DLR Zone is to encourage high-quality, exemplary architectural design. Traditional and vernacular building architecture and urban design patterns of Englewood shall serve as references for design of new buildings within the Redevelopment Area. The design of new structures shall not replicate architectural styles and detailing found in nearby buildings and new structures shall substantially vary from one another to create diversity within the Facades. Building designs shall comply with the following:

A. Scale and Massing:

Architectural variety is encouraged among the new buildings. Buildings facades should be broken down into vertical segments or bays. Regardless of height, designs should be “wall dominant” with the roof elements less prominent in the overall design. A variety of architectural scales and styles shall be incorporated along frontages.

Human scale elements should be employed at ground level, especially along street frontages and adjacent to entryways. Use of doors, windows, columns, canopies, ornamental grills, and awnings can help establish pedestrian scale.

B. Articulation and Vertical Rhythm:

The relationship of width to height of windows and door openings at ground level should be visually compatible with openings in same building. A clear visual division between the ground floor and upper level floors shall be established using cornice lines, band coursing, windows or similar horizontal architectural elements. There shall be a clearly defined base, middle and top of building, as defined below:

Base: Shall be defined by a horizontal articulation between grade and second floor windows. The articulation can be through a change in materials, change in detail of materials (i.e. brick work and patterning), or introduction of horizontal band course to separate base of building from second and third floors. Linking first two floors of windows into oversized opening with detailed panels between the windows creates a larger scale at the base of the building.

Middle: Shall be defined by regular rhythm of windows, clearly defined bays that are divided into vertical elements through window alignments and groupings. Windows may be joined together to create larger scale opening at the middle of the building.

Top: May be defined by cornice lines, mansard roof with dormers or a change in window type or style on top floor. Mansard roof and dormers may be used to combine two or more floors at the top of the building to reduce perceived building height by incorporate roof materials on the building façade.

Ground floor storefronts should be distinguished from upper floors. Structural rhythms along the streetscape should be maintained even though the architectural design and style of individual stores may vary. Rhythm of ground floor architectural features shall harmonize with rhythm of upper stores. Accordingly, base facades of buildings shall not be continuous and monolithic, but shall incorporate articulation and rhythm from upper stories.

C. Horizontal Rhythm:

Long horizontal street frontages shall be broken down in scale into vertically proportionally pieces with a variety of window types and patterns. Use of bay windows and balconies as architectural features are permitted and can help provide scale and rhythm, but shall not be repetitive. Vertical modulation shall be 12-15 feet and vertical modules shall be organized into two, three, four, and five groupings to create variety across the street façade. No more than 30% of each façade may be compromised of bays. Bays may project up to 4 feet. The design of balconies shall be consistent with the overall architectural design and be compatible with façade materials. No balcony, bay window or other permanent building construction shall extend into any public right-of-way.

Vertical rhythm can be defined using columns, piers, and window design/placement or similar architectural features spaced generally between no less than 20 feet and no greater than 40 feet to create breaks at regular intervals.

D. Pedestrian-scaled Building Height Articulation:

To ensure consistency with the surrounding neighborhood district scale and mass, particularly for buildings over 4 stories above street level or over 40 feet, no less than three of the following architectural elements shall be incorporated into street facing facades:

- Significant horizontal element, such as a cornice or a similar horizontal member, separating 4<sup>th</sup> and 5<sup>th</sup> stories with different masonry course work, material and/or above cornice line or horizontal member.
- Mansard roof.
- Decorative window heads and sills.
- Decorative corbels and brackets for cornices and bay windows.
- Decorative bay windows with panels and trim work.
- Brick pattern work and panels.
- Pre-cast concrete or masonry details at columns, piers and keystones.
- Pre-cast concrete or masonry water tables at the building base.
- Decorative pre-cast or brick belt courses.
- Decorative metal fences and railings.
- Juliet balconies.
- Decorative window surrounds.
- Decorative gutters, downspouts and scuppers.
- Awnings and canopies.
- Parapets and chimneys.

A special top floor step-back is required along a portion of the Englewood Avenue frontage. Except for 100 lineal feet along the Englewood Avenue frontage the top floor shall step-back at least 35' from the property line and the maximum building height in the step-back area shall not exceed 4 stories or 46'.

**E. Fenestration and Garage Openings:**

Windows of similar design, size and material should be similar in design to those in adjacent buildings and conform to the pattern and rhythm of other buildings of similar context. Each building façade shall contain a variety of window styles, groupings, colors and/or mullion patterns. Windows that are in brick facades to be set back from face of brick approximately 4 inches. Windows in siding to be wrapped in a 4 inch (minimum) trim with head and sill detail.

Garage openings, where applicable, will be treated with similarly scaled openings as the windows above them. Garages openings shall be located in the same vertical alignment as windows or decorative grills that relate in color and scale to the windows above them.

**F. Street Façade Treatment – Materials:**

Front facades which front directly on a street shall have materials which are similar or complementary to those found in traditional and vernacular buildings in Englewood. A variety of materials and colors shall be applied across the building façade to modulate facades into smaller pieces and give each piece and individual appearance and cohesive theme. Façade materials shall be selected and assembled so that the building appears heavier at the base and lighter at the top. Materials shall be used to define the top, middle and base of the building as follows:

- Base: Stone or brick.
- Middle: Brick or Masonry (Bays and Panels may be metal).
- Top: Brick, Metal work or Cement Siding Boards.

The only primary materials permitted are brick, stone, precast stone, and fiber cement planks. The only secondary materials permitted are stucco, fiber cement panels, other masonry, spandrel glass and metal detail. Secondary materials shall be permitted on interior courtyards not visible from public or private streets. The Planning Board, in its sole discretion, may permit additional façade materials on interior courtyards. Any materials not specifically listed as permitted, notwithstanding those façade materials within the Planning Board's discretion, are prohibited. No more than three difference material types should be used on a building's exterior. Color, texture, and pattern variations of primary materials are permitted. All sides of a building within public view shall use the same materials and colors as the primary facades. Metal louvers are permitted to be placed on exterior elevations but cannot become a dominant element in the design of elevations; any louvers must be integrated into the overall design and meet color restrictions as defined herein.

**G. Street Façade Treatment – Colors:**

Colors commonly described with terms such as neon, fluorescent, Day-Glo, iridescent and similar terms shall not be applied to the exterior surface of any structure. Color palette selection for façade materials should usually be no more than three primary colors. Façade colors should match adjacent colors used for metal flashing paint, caulk and other miscellaneous building components. Exterior colors shall be compatible with adjacent structures. Color schemes shall be used consistently, including both the upper and lower portions of buildings, all sides of buildings, and on elements and details.

**Section 3. GENERAL ADMINISTRATIVE PROVISIONS.**

A. No building shall be constructed over public rights-of-way in the project area with the exception of freestanding structures ancillary to public plazas and/or pedestrian walkways, which shall be subject to review by the Planning Board.

B. Prior to commencement of construction, site plans for the construction and/or rehabilitation of improvements to the Redevelopment Area shall be submitted by the developer to the Planning Board of the City of Englewood for review and approval so that compliance of such plans with the redevelopment objectives can be determined. Site plan review shall be conducted by the Planning Board pursuant to N.J.S.A. 40:55D-1 et. seq. (Delete entire sentence - Applications may be submitted for the entire project or in any number of phases.)

C. As part of any site plan approval, the Planning Board may require a developer to furnish performance guarantees pursuant to N.J.S.A. 40:55D-53 et seq. Such performance guarantees shall be in favor of the City in a form approved by the City Solicitor. The amount of any such performance guarantee shall be determined by the City Engineer and shall be sufficient to assure completion of site improvements within two (2) years of final site plan approval.

D. All traffic impact studies shall incorporate, as part of the study, all projects approved or proposed in the immediate area. A listing of the projects may be obtained from the City Construction Official.

E. No use or reuse shall be permitted, which, when conducted under proper safeguards, will produce corrosive, toxic or noxious fume, glare, electromagnetic disturbances, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration (60 decibels), or other objectionable features so as to be detrimental to the public health, safety or general welfare.

F. All residential redevelopment proposals and construction plans shall meet or exceed applicable FHA minimum room size requirements prior to approval by the Planning Board.

G. The provisions of this Plan specifying the redevelopment of the project area and the requirements and restrictions with respect thereto shall be in effect for a period of ten (10) years from the date of approval of this Plan by the City Council of the City of Englewood; provided, however, that any development or redevelopment projects that are commenced and/or completed within said ten (10) year period shall be deemed to comply with all applicable laws, so long as they comply with the provisions of this Redevelopment Plan. At the end of this ten (10) year period, the zoning regulations contained herein shall be incorporated into the zoning ordinance of the City of Englewood in accordance with the appropriate State statutes.

H. Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with the requirements of this Plan and Chapter 250 (entitled "Land Use") of the Code of the City of Englewood (hereafter "Chapter 250").

I. Upon demolition of existing structures and in the interim period prior to construction of new buildings (if any), the site shall be graded and planted or sodded, with a durable dust free surface.

J. Deviation Requests. The Planning Board may grant minor deviations from the regulations where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan. No deviations may be granted which will result an increase in height or a decrease in setbacks. Further, no deviations may be granted which will result in permitting:

1. A use or principal structure in a district which does not permit such use or principal structure;
2. An expansion of a non-conforming use;
3. An increase in height of more than ten feet or 10% of the permissible height in feet, whichever is less.
4. An increase in the height of the building base exceeding 5% in feet;
5. An increase in the permitted floor area ratio;
6. An increase in the parking ratio of 10%;
7. Breach the minimum or maximum number of permitted stories.
8. Right-of-way width, and pavement width beyond normal adjustments encountered during survey synchronization;
9. Non-completion of minimum open space, parks, or other type of phased improvements required to be implemented; or
10. Deviation from the Impact Fees provisions set forth in this Plan.

K. The Redeveloper shall provide adequate water, sewer and other necessary utilities to the site, to the satisfaction of the City Engineer and the respective utility authority. All costs necessary for infrastructure improvements associated with a development project, off-site as well as on-site, are the responsibility of the Redeveloper.

L. This Redevelopment Plan may be amended at the initiative of the City, consistent with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and subject to the vested rights of a Redeveloper. This Redevelopment Plan may also be amended from time to time at the initiative of a property owner within the Redevelopment Area, consistent with the foregoing statutory procedures. A fee of \$5,000.00 plus all costs for copying and transcripts shall be payable to the City of Englewood for any request by a property owner to amend this Redevelopment Plan.

**SECTION 4: SEVERABILITY.** Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

**SECTION 5: REPEALER.** All ordinances, codes or parts thereof that are inconsistent with this Ordinance are repealed or otherwise modified.

**SECTION 6: EFFECTIVE DATE.** This Ordinance shall take effect upon passage and publication as required by law.

FIRST READING DATE: July 29, 2014

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

**ORDINANCE #14-28**

**AN ORDINANCE AMENDING CHAPTER 191 FEES OF THE CODE OF THE CITY OF ENGLEWOOD, SECTION 191-12 A and B(7) RECREATION FACILITIES/PROGRAMS**

BE IT ORDAINED by the Council of the City of Englewood, Bergen County, New Jersey, as follows:

Section 1. The following fees, licenses and/or applications found in Chapter 191, Section 191-12A and B(7) Recreation Facilities/Programs within the Code of the City of Englewood, are hereby amended to include the items as set forth on Schedule A, annexed hereto and made part hereof.

Section 2. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 3. If any sentence, section, clause, or other portion of this ordinance or the application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

Section 4. This ordinance shall take effect immediately upon passage and publication as required by law.

**SCHEDULE A**

CHAPTER 191, SECTION 191-12 A and B(7), RECREATION FACILITIES/ PROGRAMS	
191-12A	<b><i>\$100.00 Annually, per immediate family with one (1) guest pass per season. Guest Pass is only issued at time of initial registration and will not be re-issued if lost or stolen.</i></b>  <b><i>Immediate family refers to two (2) Parent(s)/Legal Guardian(s) and their child/children under the age of 18 years old.</i></b>
191-12B(7)	<b><i>B (7)</i></b> Replacement swim membership cards must be purchased at full price: \$30 individual; \$5 senior. <b><i>The cost of replacement swim membership cards will be: \$10 per individual; \$5 per senior.</i></b>

FIRST READING DATE: July 29, 2014

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

**Public Comment on Agenda Items:**

- Curtis Caviness 41 E. Forest Avenue:
  - Spoke about Resolution #171- Said that the Teaneck Recreation Director does the Master Plan for the Parks and Recreation and why doesn't Englewood do this internally instead of contracting out. Why are the other parks in town not being included?
  - Councilman Forman explained that Mackay Park is the issue and we need to develop a Master Plan for it and that meetings with the public to get their input will be part of the process. He then introduced Leonardo Vasquez the Executive Director of the National Consortium for Creative Placemaking who further explained the process and what he will be doing in order to create a visioning plan for Mackay Park.
  - Councilman Skurnick asked if we are voting on tonight whether to hire this organization or not.
  - Councilwoman Algrant is working with a group to pull in additional monies to have them look at the rest of the parks in the City in order to build a true park Master Plan.
- Theresa Thomas 270 Genesee Avenue:
  - Commented on resolution #171. Visited Mackay Park on Saturday and the park leaves much to be desired. Noticed that there is no signage indicating what facilities the park offers and feels that signage should be located at every entrance and should include a diagram showing the facilities and their location.
- Alva Jones 87 Dubois Court:
  - Also spoke about resolution #171 and was interested to hear Mr. Vasquez wants to get public input on the park. She stated that we have no activities for the children especially in the summer. Councilman Skurnick spoke about the active basketball program in the park which is going to be expanded and the soccer program at Denning Park.
  - The community was not informed about trees going in around Overpeck Creek.

**RESOLUTION #156-07-29-14**

**RESOLUTION HONORING DWIGHT MORROW HIGH SCHOOL VALEDICTORIAN, MICHAEL RENDON**

**WHEREAS**, Michael Rendon, a native of Colombia, arrived in America and in Englewood four years ago with his family. At the time Michael's English language skills were practically non-existent; and

**WHEREAS**, Michael came to live with his grandmother in Englewood and it was she who suggested that he visit a tutorial program at Liberty School to see what classes might be available to him over the summer. It was a pivotal event in his young life as that day he saw students still struggling with English despite having lived here for years and he also met guidance counselor Luis Sanchez. First, Michael resolved to learn English and he remembered what Mr. Sanchez told him that day, "If you do well, you could go to a good school like Harvard". Michael never forgot those words and with the support of his family and Mr. Sanchez he strived to succeed in his high school career; and

**WHEREAS**, Michael worked hard throughout his high school years and after spending that summer of 2010 in English as a Second Language class he choose English only classes instead of bilingual ones in order to best hone his language skills. Michael's hard work and determination paid off as he thrived in Honors classes in math, Spanish, history and chemistry throughout his high school career; and

**WHEREAS**, on June 20, 2014 Michael took his well earned place as the Valedictorian of the 2014 Dwight Morrow High School graduating class; and

**WHEREAS**, Michael was accepted to twelve of the most prestigious colleges in the country; Harvard, Stanford, Cornell, Dartmouth, Johns Hopkins, Carnegie Mellon, Northwestern, University of California - Berkeley, University of California – San Diego, New Jersey Institute of Technology, Rutgers and Stevens Institute of Technology and will be attending Stanford University as an incoming freshman this Fall.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the City Council of the City of Englewood that they congratulate Michael Rendon on his academic success and wish him well as he embarks on his college career at Stanford University.

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 #157-07-29-14**

**RESOLUTION HONORING DWIGHT MORROW HIGH SCHOOL SALUTATORIAN, ANDY HENRIQUEZ**

**WHEREAS**, Andy Henriquez, a native of the Dominican Republic, arrived in America and in Englewood four years ago with his family; and

**WHEREAS**, when Andy first arrived in Englewood he had not yet made many friends so tinkering on his computer became his hobby and inspired in him an interest in how things work. His newly acquired technology skills led him to begin working with his father fixing cell phones and computers at their family owned technology store in New York City; and

**WHEREAS**, during his senior year Andy was able to free up time in his schedule in order to join the Urban League of Bergen County's "The National Urban League Incentives to Excel and Succeed" (NULITES) youth group. The program participants meet a couple of times per month and take part in various community service initiatives which aim to foster leadership and excellence in high school students. Andy helped collect food for the homeless, participated in the Englewood Hospital and Medical Center's "Walk for Awareness" to fight breast cancer and participated in the City's Juneteenth parade; and

**WHEREAS**, on June 20, 2014 Andy took his well earned place as the Salutatorian of the 2014 Dwight Morrow High School graduating class; and

**WHEREAS**, Andy will be attending Rutgers University as an incoming freshman this Fall with the intention of majoring in Computer Engineering.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the City Council of the City of Englewood that they congratulate Andy Henriquez on his academic success and wish him well as he embarks on his college career at Rutgers University.

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 #158-07-29-14**

**HONORING MRS. AGNES FENTON ON HER 109<sup>th</sup> BIRTHDAY**

**WHEREAS**, Mrs. Agnes Fenton will be turning 109 years old on August 1, 2014; and

**WHEREAS**, Mrs. Fenton was born in 1905 in Mississippi, and where upon at the age of 14 moved to Memphis, Tennessee where she then married and went on to become one of the first African-American woman in the City to own and operate a restaurant; and

**WHEREAS**, In the early 1950s Mrs. Fenton moved to Englewood, New Jersey, where she has resided ever since, and is best known for her Lemon Ice Box Pies which she distributes to her family and neighbors during the Christmas Holiday season along with her Apple Lattice Pies; and

**WHEREAS**, Mrs. Fenton has been a member of St. Marks United Methodist Church in New York City since the early 1950s. She retired in the 1970s after many years of service with Medical Economics, located in Emerson, New Jersey. Agnes has a remedy for anything that may concern you, has been an inspiration to many, and is one the most interesting people you would ever want to meet.

**WHEREAS**, Mrs. Agnes Fenton was pleased to have been indoctrinated into the Centenarian Society and is also an active participant in the New England Centenarian Study being conducted through the Boston University School of Medicine.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the City Council of the City of Englewood that on the occasion of the 109<sup>th</sup> anniversary of her birth would like to pay homage to Mrs. Agnes Fenton and congratulate her as she reaches this milestone in her life.

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 # 159-07-29-14**

**RENEWAL OF LIQUOR LICENSES FOR 2014-2015**

**BE IT RESOLVED** by the City Council of the City of Englewood that the City Clerk is hereby directed to sign, issue, and deliver Alcoholic Beverage licenses to each of the persons, associations, firms, corporations, or clubs listed below; and to be effective only at the locations set forth after their respective names for the period beginning July 1, 2014 at 12:01 AM and ending June 30, 2015 at 12:00 midnight; and

**BE IT FURTHER RESOLVED** that a periodic review of all liquor licenses will be conducted during the 2014-2015 license year.

**PLENARY RETAIL DISTRIBUTION LICENSE #44**

0215-44-039-004

Grand Liquor and Deli Inc.  
t/a Grand Liquor and Deli

124 Grand Avenue

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 #160-07-29-14**

**RESOLUTION AUTHORIZING AN AGREEMENT WITH VANTAGE HEALTH SYSTEMS**

**WHEREAS**, Vantage Health Systems (“Vantage”) is a not for profit corporation located in the City of Englewood which provides mental health programs and services to the community in and about the City of Englewood; and

**WHEREAS**, Vantage seeks to utilize twelve (12) parking spaces at the Liberty School for the staff of Vantage; and

**WHEREAS**, the City of Englewood has determined to enter into an Agreement with Vantage for the foregoing purposes;

**NOW, THEREFORE, BE IT RESOLVED** that the City Manager of the City of Englewood is hereby authorized on behalf of the City of Englewood to enter into an Agreement with Vantage to utilize twelve (12) parking spaces at the Liberty School, and is hereby authorized to execute the Agreement annexed hereto as **Exhibit A** setting forth the terms and conditions of said Agreement.

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 #161-07-29-14**

**RESOLUTION AUTHORIZING AN AGREEMENT WITH  
THE VINCENT K TIBBS CHILD DEVELOPMENT CENTER, INC.**

**WHEREAS**, the Vincent K Tibbs Child Development Center, Inc., is a not for profit corporation organized for the purpose of providing child day care and learning development services for the residents of the City of Englewood and to the extent space is available to persons outside the City of Englewood; and

**WHEREAS**, pursuant to Ordinance No. 00-08 adopted by the City of Englewood, the City agreed to lease the premises located at 183 William Street, Englewood, New Jersey to the Vincent K Tibbs Child Development Center, Inc. for 25 years commencing April 4, 2000 for the purposes of providing the services referenced above; and

**WHEREAS**, a Lease Agreement memorializing the terms of conditions with respect to this Landlord Tenant relationship apparently was not entered into at that time;

**NOW, THEREFORE, BE IT RESOLVED** that the City Manager of the City of Englewood is hereby authorized to enter into a Lease Agreement with the Vincent K Tibbs Child Development Center, Inc. in a form substantially in conformance with the proposed Lease Agreement annexed hereto as **Exhibit 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			
<i>Hamer</i>	X	X			

**RESOLUTION #162-07-29-14**

**AWARD PROFESSIONAL SERVICES CONTRACT TO PEAK ENVIRONMENTAL INC. FOR PROFESSIONAL ENVIRONMENTAL SERVICES RELATED TO THE FORMER SERVICE STATION PROPERTY SITE LOCATED AT 100 ROUTE 4 EAST IN ENGLEWOOD**

**WHEREAS**, the City of Englewood requires a consultant to provide professional environmental services to related to the former service station property site located at 100 Route 4 East in Englewood; and

**WHEREAS**, the engineers shall provide the following Scope of Work as outlined in the attached proposal dated June 10, 2014 in regard to the former service station property site located at 100 Route 4 East in Englewood:

- Task 1- UST Registration -\$1,800.00
  - Task 2 - Remedial Investigation Soil Sampling Collection and Analysis- \$9,500.00
  - Task 3 – General Consulting - \$3,600.00
- Total Amount \$14, 900.00

**WHEREAS**, on the recommendation of the City Engineer, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to Peak Environmental Inc., 74 Main Street, 2<sup>nd</sup> Floor, Woodbridge, New Jersey 07095 pursuant to N.J.S.A. 19:44A-20.5 as other than a “Fair and Open” contract as defined therein; and

**WHEREAS**, 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 the value of this contract for the scope of services as stated above and in the attached proposal, will be compensated by a lump sum fee of \$14,900.00; and

**WHEREAS**, Peak Environmental Inc. will complete and submit 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

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available to award this contract and a copy of said certification is on file in the office of the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to Peak Environmental Inc. to provide professional environmental services to related to the former service station property site located at 100 Route 4 East in Englewood; and

**BE IT FURTHER RESOLVED**, that a copy of the within resolution, together with a copy of the Agreement and that the Business Disclosure Entity 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 source:

- Ordinance 13-05

<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			

**RESOLUTION #163-07-29-14**

**AUTHORIZING AWARD OF CONTRACT FOR ARCH, FOUNTAIN, & HUTCHINSON ROAD IMPROVEMENT, PROJECT NUMBER 111301**

**WHEREAS**, sealed bids were received on July 24, 2014 for the Arch, Fountain, & Hutchinson Road Improvement, Project Number 111301 in accordance with specifications therefore and following public advertisement; and

**WHEREAS**, specifications were sent and responsible bids were received from eight (8) bidders listed on the attached Bid Summary Sheet; and

**WHEREAS**, the bid submitted by M.S.P. Construction Corp., 126 Walnut Street, Newark, New Jersey 07015 for the sum of \$1,053,119.00 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 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 M.S.P. Construction Corp., 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 M.S.P. Construction Corp., for the Arch, Fountain, & Hutchinson Road Improvement, Project Number 111301 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 14-16(2)

<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			

**RESOLUTION #164-07-29-14**

**AUTHORIZING AWARD OF CONTRACT FOR 2014 SIDEWALK REPLACEMENT PROGRAM, PROJECT NUMBER 111415**

**WHEREAS**, sealed bids were received on July 24, 2014 for the 2014 Sidewalk Replacement Program, Project Number 111415 in accordance with specifications therefore and following public advertisement; and

**WHEREAS**, specifications were sent and responsible bids were received from four (4) bidders listed on the attached Bid Summary Sheet; and

**WHEREAS**, the bid submitted by Diamond Construction, 35 Beaverson Boulevard, Suite 12C, Brick, New Jersey 08723 for the sum of \$601,825.00 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 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 Diamond 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 Diamond Construction, for the 2014 Sidewalk Replacement Program, Project Number 111415 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:

- Bond Ordinance 11-10 (b)
- Bond Ordinance 14-16 (3)
- Escrow

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

**RESOLUTION #165-07-29-14**

**CERTIFYING REVIEW OF ANNUAL AUDIT BY GOVERNING BODY**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the City Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations;

**WHEREAS**, the members of the City Council have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

as evidenced by the group affidavit form of the City Council; and

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit as per the regulations of the Local Finance Board; and

**WHEREAS**, all members of the City Council have received and have familiarized themselves with, at least, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Englewood hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and required affidavit to said Board to show evidence of said compliance; and

**BE IT FURTHER RESOLVED** that the Corrective Action Plan prepared by the Chief Financial Officer, is hereby approved and the Chief Financial Officer shall implement the Plan.

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

**RESOLUTION #166-07-29-14**

**AUTHORIZING AWARD OF CONTRACT FOR  
OVERPECK CREEK CHANNEL WALL RECONSTRUCTION,  
PROJECT NUMBER 111219, ALTERNATE 1**

**WHEREAS**, a contract for the base bid for the Overpeck Creek Channel Wall Reconstruction, Project Number 111219 was awarded via Resolution #188-10-08-13 to Let It Grow, 52 Ackerson Street, River Edge, New Jersey 07661 for the sum of \$3,322,962.50; and

**WHEREAS**, the bid submitted by Let It Grow, 52 Ackerson Street, River Edge, New Jersey 07661 for the sum of \$600,429.60 was determined to be the low bid for Alternate 1 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;

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood that the bid submitted by Let It Grow, 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 Let It Grow, for the Overpeck Creek Channel Wall Reconstruction, Project Number 111219, Alternate 1 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:

- Ordinance13-15

<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			

**RESOLUTION #167-07-29-14**

**AWARD PROFESSIONAL SERVICES CONTRACT TO T&M ASSOCIATES TO PROVIDE PROFESSIONAL ENVIRONMENTAL OVERSIGHT AND CONSULTATION SERVICES DURING THE CONSTRUCTION OF THE NEW ENGLEWOOD "JACK DRAKEFORD" FIREHOUSE**

**WHEREAS**, the City of Englewood requires a consultant to provide professional environmental oversight and consultation services during the construction of the new Englewood "Jack Drakeford" Firehouse; and

**WHEREAS**, the engineers shall provide the following Scope of Work as outlined in the attached proposal dated June 23, 2014 in regard to the new Englewood "Jack Drakeford" Firehouse :

**WHEREAS**, on the recommendation of the City Engineer, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to T&M Associates, 1256 North Church Street, Moorestown, New Jersey 08057 pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

**WHEREAS**, 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 the value of this contract for the scope of services as stated above and in the attached proposal, will not exceed \$10,000.00; and

**WHEREAS**, T&M Associates will complete and submit 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

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available to award this contract and a copy of

said certification is on file in the office of the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to T&M Associates to provide professional oversight and consultation services during the construction of the new Englewood "Jack Drakeford" Firehouse; and

**BE IT FURTHER RESOLVED**, that a copy of the within resolution, together with a copy of the Agreement and that the Business Disclosure Entity 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 source:

- Ordinance 13-05

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 #168-07-29-14**

**REVISE PROFESSIONAL SERVICES CONTRACT TO T&M ASSOCIATES TO PROVIDE CONTINUED REMEDIAL INVESTIGATION OF THE PUBLIC SAFETY COMPLEX- UNDERGROUND STORAGE TANK**

**WHEREAS**, the City of Englewood awarded a contract to T&M Associates via Resolution #078-03-19-13 to serve as the Licensed Site Remediation Professional (LSRP) for the environmental site remediation at the Public Safety Complex-Underground Storage Tank; and

**WHEREAS**, Resolution #078-03-19-13 needs to be revised to include the following Scope of Work as outlined in the attached proposal dated May 10, 2014 in regard to the continued remedial investigation of the Public Safety Complex-Underground Storage Tank:

- Task 1- Ground Water Investigation and report of findings- \$23,500.00

**WHEREAS**, on the recommendation of the City Engineer, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to T&M Associates, 1256 North Church Street, Moorestown, New Jersey 08057 pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

**WHEREAS**, 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 the value of this contract for the scope of services as stated above and in the attached proposal, will not exceed \$23,500.00; and

**WHEREAS**, T&M Associates will complete and submit 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

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available to award this contract and a copy of said certification is on file in the office of the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to T&M Associates to provide continued remedial investigation of the Public Safety Complex-Underground Storage Tank; and

**BE IT FURTHER RESOLVED**, that a copy of the within resolution, together with a copy of the Agreement and that the Business Disclosure Entity 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 source:

- Ordinance 13-05

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 #169-07-29-14**

**REVISE PROFESSIONAL SERVICES CONTRACT TO T&M ASSOCIATES TO PROVIDE PROJECT CONSULTING SERVICES FOR 55-63 W. PALISADE AVENUE- UNDERGROUND STORAGE TANK**

**WHEREAS**, the City of Englewood awarded a contract to T&M Associates via Resolution #081-03-19-13 to serve as the Licensed Site Remediation Professional (LSRP) for the environmental site remediation at 55-63 W. Palisade Avenue -Underground Storage Tank; and

**WHEREAS**, Resolution #081-03-19-13 needs to be revised to include the following Scope of Work as outlined in the attached proposal dated May 12, 2014 in regard to the continued remedial investigation of 55-63 W. Palisade Avenue -Underground Storage Tank; and

**WHEREAS**, on the recommendation of the City Engineer, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to T&M Associates, 1256 North Church Street, Moorestown, New Jersey 08057 pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

**WHEREAS**, 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 the value of this contract for the scope of services as stated above and in the attached proposal, will not exceed \$10,000.00; and

**WHEREAS**, T&M Associates will complete and submit 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

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available to award this contract and a copy of said certification is on file in the office of the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to T&M Associates to provide project consulting services for 53-58 Palisade Avenue- Underground Storage Tank; and

**BE IT FURTHER RESOLVED**, that a copy of the within resolution, together with a copy of the Agreement and that the Business Disclosure Entity 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 source:

- Ordinance 13-05

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 #170-07-29-14**

**REVISE PROFESSIONAL SERVICES CONTRACT TO T&M ASSOCIATES TO PROVIDE CONTINUED REMEDIAL INVESTIGATION OF PARKING LOT H- UNDERGROUND STORAGE TANK**

**WHEREAS**, the City of Englewood awarded a contract to T&M Associates via Resolution #080-03-19-13 to serve as the Licensed Site Remediation Professional (LSRP) for the environmental site remediation at Parking Lot H-Underground Storage Tank; and

**WHEREAS**, Resolution #080-03-19-13 needs to be revised to include the following Scope of Work as outlined in the attached proposal dated May 10, 2014 in regard to the continued remedial investigation of Parking Lot H-Underground Storage Tank:

- Task 1- Soil Investigation and report of findings- \$10,000.00

**WHEREAS**, on the recommendation of the City Engineer, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to T&M Associates, 1256 North Church Street, Moorestown, New Jersey 08057 pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

**WHEREAS**, 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 the value of this contract for the scope of services as stated above and in the attached proposal, will not exceed \$10,000.00; and

**WHEREAS**, T&M Associates will complete and submit 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

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available to award this contract and a copy of said certification is on file in the office of the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to T&M Associates to provide continued remedial investigation of the Parking Lot H-Underground Storage Tank; and

**BE IT FURTHER RESOLVED**, that a copy of the within resolution, together with a copy of the Agreement and that the Business Disclosure Entity 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 source:

- Ordinance 13-05

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 #171-07-29-14**

**AWARD PROFESSIONAL SERVICES CONTRACT TO THE NATIONAL CONSORTIUM FOR CREATIVE PLACEMAKING FOR PROFESSIONAL SERVICES TO PROVIDE VISION PLANNING FOR MACKAY PARK**

**WHEREAS**, the City of Englewood requires a consultant to produce a Vision Plan for the City of Englewood that would provide a plan for better usage and greater stewardship of Mackay Park; and

**WHEREAS**, the National Consortium for Creative Placemaking shall provide the following Scope of Services as outlined in the attached proposal dated July 22, 2014 in regard to producing a Vision Plan for Mackay Park: and

**WHEREAS**, on the recommendation of the City Manager, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to National Consortium for Creative Placemaking, 105 Grove Street, Suite 1, Montclair, NJ 07042 pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

**WHEREAS**, 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 the value of this contract for the scope of services as stated above and in the attached proposal, will not exceed \$18,000.00; and

**WHEREAS**, National Consortium for Creative Placemaking will complete and submit 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

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available to award this contract from 4-01-28-370-000-228.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to National Consortium for Creative Placemaking to produce a Vision Plan for the City of Englewood that would provide a plan for better usage and greater stewardship of Mackay Park; and

**BE IT FURTHER RESOLVED**, that a copy of the within resolution, together with a copy of the Agreement and that the Business Disclosure Entity 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.

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 #172-07-29-14**

**AWARD PROFESSIONAL SERVICES CONTRACT TO MILLENNIUM STRATEGISTS TO PROVIDE GRANT RESEARCH AND WRITING SERVICES FOR THE CITY OF ENGLEWOOD**

**WHEREAS**, the City of Englewood has the need for professional Grant Research and Writing Services for City of Englewood Departments, the Library and the Englewood Volunteer Ambulance Corp (EVAC). The scope of work will include, but may not be limited to the following:

- Ongoing and thorough review of the City's goals and objectives. This will include all necessary meetings with administration, staff, and governing body members to establish a clear direction for grant applications and to identify potential areas to expand funding opportunities.
- Analysis and evaluation of a Strategic Plan based in part on the foregoing review and identification of goals and objectives. This will include existing grant opportunities that can be pursued, potential partnerships that can be explored to expand opportunities for eligibility, and areas for research and

recommendations thereby building in the flexibility to respond to changing circumstances.

- Frequent notification on all available public and private sector grants for which the City of Englewood may be eligible. This will include detailed memoranda of potential funding opportunities that we recommend with clearly stated requirements and responsibilities to complete the grant application, produce the best possible product for submission, and coordinate that administration of grants upon award to ensure compliance.
- Upon approval to proceed, all necessary research, preparation, and submission of grant opportunities we are authorized to pursue by the City of Englewood. We will provide ongoing monitoring and follow up including necessary legislative and stakeholder support for governmental and non-governmental funding application sought. This will include serving as the City of Englewood's liaison with all appropriate agencies and officials, both public and private, pertaining to grant funding services that Millennium Strategies undertakes on its behalf.
- Monthly detailed reports on all activities undertaken by Millennium Strategies for the City of Englewood. This will include all Grants Recommended, Grants Awarded, Grants Pending, Grants in Progress as well as Grants Submissions that were not approved. It will allow us to make an ongoing assessment of the Strategic Plan and necessary adjustments on a regular basis.
- The continued maintenance of an accurate system to track grant programs and assist the City of Englewood with all record keeping and reporting requirements.
- Attendance at all designated meetings, as requested, with 48 hour notice. This will include various meetings necessary for the review of goals and objectives or modify the Strategic Plan.

**WHEREAS**, on the recommendation of the City Manager, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to Millennium Strategies, 60 Roseland Avenue, Caldwell, New Jersey 07006 pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

**WHEREAS**, 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 the value of this contract for the scope of services as stated above and in the attached proposal, is not to exceed \$36,000 for a one-year contract with a mutual 14-day opt out;

**WHEREAS**, Millennium Strategies will complete and submit 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

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available to award this contract and a copy of said certification is on file in the office of the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to Millennium Strategies to provide professional Grant Research and Writing Services for City of Englewood Departments, the Library and the Englewood Volunteer Ambulance Corp (EVAC);

**BE IT FURTHER RESOLVED**, that a copy of the within resolution, together with a copy of the Agreement and that the Business Disclosure Entity 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.

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 #173-07-29-14**

**RESCINDING AWARD OF CONTRACT FOR THE PURCHASE OF THREE (3) AUTOMATED SIDE LOADING SANITATION TRUCKS - CHASSIS AND BODY, CONTRACT NO. 1**

**WHEREAS**, sealed bids were received on June 20, 2013 for Three (3) Automated Side Loading Sanitation Trucks - Chassis and Body, Contract No. 1: Three Units - Cab and Chassis in accordance with specifications therefore, following public advertisement and the Award of Contract was authorized by Resolution #135-06-25-13 to Raritan Valley Truck Sales, Inc., PO Box 7064, North Brunswick, New Jersey 08902 for the sum of \$449,631.00; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood that the Award of Contract made to Raritan Valley Truck Sales, Inc. is hereby rescinded due to lack of compliance with required delivery dates of the equipment; and

**BE IT FURTHER RESOLVED** that the City Manager and the City Solicitor are authorized to prepare the necessary documentation to declare Raritan Valley Truck Sales, Inc. in default.

<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			

**RESOLUTION #174-07-29-14**

**AUTHORIZE AGREEMENT WITH NATIONAL JOINT POWERS ALLIANCE (NJPA) PURCHASING COOPERATIVE**

**WHEREAS**, N.J.S.A. 52:34-6.2 P.L. 2011, C.139 allows contracting units to enter into agreement with state, regional, or single government agencies that award contracts for its own use and is authorized under its own laws to extend those contracts to other government agencies; and

**WHEREAS**, the National Joint Powers Alliance, hereinafter referred to as NJPA has offered voluntary participation in a Cooperative Purchasing System for the purchase of goods and services; and

**WHEREAS**, it is the desire of the City Council of the City of Englewood to join the NJPA Cooperative Purchasing System to purchase goods and or services, to make the procurement process more efficient and to provide cost savings to the City.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, County of Bergen, State of New Jersey, as follows:

1. That the governing body of the City of Englewood does hereby authorize the City Manager to enter into an agreement and the City to participate in the NJPA Cooperative Purchasing System.
2. That the City shall be responsible to ensure that the goods and or services procured through the system comply with all applicable laws of the State of New Jersey, Local public Contracts Law (N.J.S.A. 40A:11-1 et seq) and all other provisions of the revised statutes of the State of New Jersey.
3. That this resolution shall take effect immediately upon passage.

<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			

**RESOLUTION #175-07-29-14**

**AUTHORIZING AWARD OF CONTRACT FOR EMERGENCY GENERATOR INSTALLATIONS CONTRACT #111207**

**WHEREAS**, sealed bids were received on July 23, 2014 for the Authorizing Award of Contract for Emergency Generator Installations Contract #111207 in accordance with specifications therefore and following public advertisement; and

**WHEREAS**, specifications were sent and responsible bids were received from six (6) bidders listed on the attached Bid Summary Sheet; and

**WHEREAS**, the bid submitted by Margonis Electrical Contracting Co., 163 Midland Avenue, Garfield, New Jersey 07026 for the sum of \$400,000.00 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 to award this contract in C-04-12-015-000-006 and C-04-14-024-000-005; 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 Margonis Electrical Contracting Co., 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 Margonis Electrical Contracting Co., for the Emergency Generator Installations Contract #111207 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.

<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			

**Public Session:**

- Angi Metler Co-President, League of Humane Voters of NJ, Sussex County:
  - Spoke about the proposed deer hunting at Flat Rock brook Nature Center and her group advocates for wildlife but they are also concerned with the safety of residents from the bow hunters, and are against the State proposed deer hunt. Her group would like a seat at the table when this is discussed. Mr. Dacey explained that this discussion before the Council is premature because Flat Rock Brook Nature Center is not even meeting with the State until September and she should contact Stephen Weissner, Executive Director of Flat Rock Brook Nature Center.
- Julie O'Connor, League of Humane Voters of NJ, Sussex County:
  - Spoke about the State's interest in hunting and that they are pushing for a bow hunt at Flat Rock Brook Nature Center. She stated that Flat Rock Brook Nature Center hired a naturalist to write a Forestry Management Plan and that the report encourages hunting. Also mentioned that the Audubon Society favors hunting. Handed out information to the Mayor and Council. Councilman Forman said that Ms. O'Connor is misrepresenting the report by Flat Rock Brook Nature Center.
- Andrea Hedrych 386 Cumberland Street:
  - Has been an Englewood resident for 50 years, and has never heard anyone complain about the deer in Flat Rock Brook Nature Center. She does not want hunting there and suggested sterilization instead.

**RESOLUTION #177-07-29-14**

**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>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: 9:48 PM**

Motion: Forman

All in Favor

---

Lauren Vande Vaarst, RMC  
City Clerk