

**City of Englewood
City Council Meeting Minutes
September 23, 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
Mayor Frank Huttle III
City Attorney William Bailey
City Manager Timothy Dacey
City Clerk Lauren Vande Vaarst

President Algrant called the meeting to order.

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

RESOLUTION #206-09-23-14

RESOLUTION ACCEPTING MINUTES

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

CLOSED SESSIONS

July 29, 2014A
July 29, 201B
August 12, 2014
August 26, 2014
September 9, 2014

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 #207-09-23-14

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 \$1,599,066.38.

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

PRESENTATION

BergenPAC

- Presented by Dominic Roncace, CEO and Alex Diaz, Director of Education.
- Spoke new additions to the theater; black box theater, performing arts school, movie theater, cabaret theater and children’s theater.
- Discussed that the BergenPAC is an economic engine for the City of Englewood and its merchants and restaurants.
- Mayor and Council comments:
 - Councilman Cohen asked what percentage of theatergoers comes from New York City. Only 1 ½% to 3% and they are incorporated into the “other” category on the charts.
 - Councilman Skurnick stated that he supported the building back in the 1980s when he and Councilwoman Shirley Lacy spent \$300,000.00 of City money to repair the roof. He feels that the BergenPAC needs to work with the EPSD more to get more students involved in programs. Said they should advertise the Internships better. Mr. Roncace and Mr. Diaz explained that the Internships are advertised on the BergenPAC website and they also work with Peter Albert of the EPSD to get the word out to the students as well. They recently had a very good meeting with the new Superintendent of Schools and he views the BergenPAC as a valuable asset to the schools and its students and they are looking to host the DMHS musical at BergenPAC in the spring. Councilman Skurnick went on to discuss the Thurnauer School of Music whom figured out long ago that you need to have a person at the public schools to express their mission and to get things done.
 - Mayor Huttel spoke about it being fortunate that the John Harms Theater reopened as the BergenPAC because of what it brings to the City of Englewood. Spoke about all of the backstage staff that are an integral part of the theater. The idea to open a performing arts school was first broached in 2005/2006 as an After3 program for the local schoolchildren. The program was up and running well but the EPSD lost the program due to lack of direction and leadership. The Mayor is glad that the new Superintendent of Schools is supportive of the arts and knowledgeable.

Communications from the Mayor/Council Member:

Comments from the City Manager:

- Ice Arena will be opening on Sunday, October 5, 2014. Cost is \$5.00 including skate rental.
- ERA South picked up their foundation permit today and paid \$175,000.00 in permit fees. Work will be starting at the site shortly.
- Lincoln School redevelopers have submitted their application for site plan approval. Will go to the Planning Board in October.
- Police exam was given on September 6, 2014. Invited the top 80 to take the physical exam on October 4, 2014.
- Began the Safe Pedestrians Program began yesterday; and were located at Broad and Huguenot and also on N. Dean by Depot Square.
 - 31 tickets were issued; 9 for failing to stop for pedestrians, 3 for no seatbelt, 5 for driving while using a cell phone and 14 for other violations.
- The salt dome has been filled in anticipation of winter.
- The fuel depot will be up and running this week.
- Working on final qualifications this Fall at the Pistol Range. Chief Suffern has booked some time at the Bergen County Law and Public Safety complex in Mahwah for 2015. We will be bidding out the pistol range remediation this Fall/Winter.

ORDINANCE #14-32

AN ORDINANCE AMENDING CHAPTER 25, SECTION 25-19, SCHEDULE XI; OF THE TRAFFIC AND PARKING ORDINANCE OF THE CODE OF THE CITY OF ENGLEWOOD

WHEREAS, Chapter 25, Section 25-19 Schedule XI, Time Limited Parking 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 25-19 Schedule XI, Time Limited Parking.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Englewood, Bergen County, New Jersey, that Chapter 25, Section 25-19 Schedule XI, Time Limited Parking is hereby amended as follows:

Section 25-19, Schedule XI, Time Limited Parking

STREET	SIDE	TIME LIMIT	HOURS	LOCATION
<i>West Hudson Avenue</i>	<i>South</i>	<i>2 Hour</i>	<i>9:00 a.m. to 6:00 p.m.</i>	<i>From Orchard Street to a point 105 feet west thereof</i>

West Hudson Avenue	Both	1 Hour 2 Hour	9:00 a.m. to 6:00 p.m.	From Orchard Street to Curry Avenue
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This Ordinance shall take effect immediately upon final passage and publication as required by law.

FIRST READING DATE: September 23, 2014

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

Mayor and Council comments on Ordinance 14-32:

- Councilman Skurnick stated that for the past 4-5 months a resident on W. Hudson Avenue has been harassing store owners and he does not feel this ordinance will handle this problem.

ORDINANCE #14-33

AN ORDINANCE AMENDING CHAPTER 25, SECTION 25-32, SCHEDULE XXII; OF THE TRAFFIC AND PARKING ORDINANCE OF THE CODE OF THE CITY OF ENGLEWOOD

WHEREAS, Chapter 25, Section 25-32 Schedule XXII, Street Metered Parking Areas 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 25-32 Schedule XXII, Street Metered Parking Areas.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Englewood, Bergen County, New Jersey, that Chapter 25, Section 25-32 Schedule XXII, Street Metered Parking Areas is hereby amended as follows:

Section 25-32, Schedule XXII, Street Metered Parking Areas

STREET	SIDE	TIME LIMIT	HOURS	LOCATION
<i>West Hudson Avenue</i>	<i>South</i>	<i>2 Hour</i>	<i>9:00 a.m. to 6:00 p.m.</i>	<i>From Orchard Street to a point 105 feet west thereof</i>
West Hudson Avenue	Both	1 Hour 2 Hour	9:00 a.m. to 6:00 p.m.	From Orchard Street to Curry Avenue

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

FIRST READING DATE: September 23, 2014

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

Public Comment on Agenda Items:

No one came forward to speak.

RESOLUTION #208-09-23-14

AUTHORIZING AWARD OF CONTRACT FOR ENGLEWOOD LIBRARY ROOF REPLACEMENT, PROJECT NO. 111431

WHEREAS, sealed bids were received on September 18, 2014 for the Englewood Library Roof Replacement, Project No. 111431 in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids were received from nine (9) bidders listed on the attached Bid Summary Sheet; and

WHEREAS, the bid submitted by Integrity Roofing Inc., 1385 Witherspoon Street, Rahway, New Jersey 07065 for the sum of \$212,000.00 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; 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 Integrity Roofing Inc., is hereby accepted; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute an agreement between the City of Englewood and Integrity Roofing Inc., for the Englewood Library Roof Replacement, Project No. 111431 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 (6)

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

RESOLUTION #209-09-23-14

AUTHORIZE REJECTION OF BIDS FOR THE FLAT ROCK BROOK NATURE CENTER PARKING LOT, PROJECT NUMBER 111328

WHEREAS, sealed bids were received on September 18, 2014, for the Flat Rock Brook Nature Center Parking Lot, Project Number 111328 in accordance with specifications therefore and following public advertisement thereof pursuant to law; and

WHEREAS, two (2) vendors' bid was properly received and opened, but the amount of the bids exceeded the budgeted amount for the project; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the bids received for the Flat Rock Brook Nature Center Parking Lot, Project Number 111328 be rejected and that the Flat Rock Brook Nature Center Parking Lot, Project Number 111328 be rebid in accordance with specifications therefore and following public advertisement thereof pursuant to law.

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

RESOLUTION #210-09-23-14

AUTHORIZE EXECUTION OF RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF ENGLEWOOD AND FIBER TECHNOLOGIES NETWORKS, LLC TO PERMIT THE INSTALLATION, USE AND MAINTENANCE OF TELECOMMUNICATIONS FACILITIES WITHIN PUBLIC RIGHTS-OF-WAY FOR PURPOSES OF PROVIDING TELECOMMUNICATIONS SERVICES

WHEREAS, Fiber Technologies Networks, LLC (hereinafter "Fibertech"), a New York limited liability company, with offices located at 300 Meridian Centre, Rochester, New York, is authorized to provide local exchange and interexchange

telecommunications services throughout the State of New Jersey pursuant to an Order issued by the New Jersey Board of Public Utilities ("NJBPUB") in Docket No. TE05080683 dated September 14, 2005; and

WHEREAS, Fibertech has requested the consent of the Municipality to occupy public rights-of-way within the Municipality for a period of fifty (50) years for the purpose of constructing, installing, operating, repairing, maintaining and replacing a telecommunications system; and

WHEREAS, it is deemed to be in the best interest of the Municipality and its citizenry, particularly including the commercial and industrial citizens, for the Municipality to grant municipal consent to Fibertech to occupy the public rights-of-way within the Municipality for this purpose; and

WHEREAS, the granting of such consent is and shall be conditional upon Fibertech's continued compliance with all existing and future ordinances of the Municipality and its entering into a written agreement with the Municipality to, inter alia, indemnify and hold the Municipality harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within certain public rights-of-way and provide liability insurance coverage for personal injury and property damage ; and

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

1. That non-exclusive consent is hereby granted to9 Fibertech to occupy the public rights-of-way within the Municipality for the purpose of construction, installation, operation, repair, maintenance and replacement of a telecommunications system for a period of fifty (50) years.
2. The within granted permission is conditioned upon Fibertech entering into the attached Agreement with the Municipality and providing liability and property damage insurance coverage.
3. The City Manager and City Clerk are hereby authorized to execute the attached Agreement.
4. A copy of this Resolution and the executed Agreement shall be filed 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	X			
<i>Cohen</i>			X		
<i>Hamer</i>			X		

Mayor and Council comments on Resolution #210-09-23-14:

- Councilman Hamer will be voting "no" on this resolution even though they have State approval he feels that it does not benefit the City of Englewood.

RESOLUTION #211-09-23-14

REFUNDS DUE TO STATE TAX APPEALS

WHEREAS, a judgment has been received from the Tax Court of New Jersey for the following Block and Lot in the City of Englewood; and

WHEREAS, the said judgment has created and overpayment on the tax account listed for said years;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, in the County of Bergen, State of New Jersey, that the Chief Financial Officer be and he is hereby authorized to refund overpayment of the property taxes in the amount of \$5,046.86 for said years due to successful tax court judgments.

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

RESOLUTION #212-09-23-14

REFUND OF TAX OVERPAYMENT

WHEREAS, it has been determined by the Tax Collector that Block 2223, Lot 5, 346 Decatur Avenue, is entitled to a tax

overpayment refund;

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, in the County of Bergen, State of New Jersey, the Chief Financial Officer be and he is hereby authorized to refund the overpayment of property taxes in the amount of \$1,608.26 to Martin & Ana Mercedes, 346 Decatur Avenue, Englewood, NJ 07631.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Tax Collector and Finance Officer.

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

RESOLUTION #213-09-23-14

AUTHORIZING REIMBURSEMENT TO THE ENGLEWOOD VOLUNTEER AMBULANCE CORPS FOR AN EMERGENCY BACKUP GENERATOR

WHEREAS, there is a need for an emergency backup generator to be installed at the Englewood Volunteer Ambulance Corps (EVAC) headquarters located at 7 Jay Street in the City of Englewood in order for the necessary operation of EVAC during power outages so they can continue to provide emergency services to the City and its residents; and

WHEREAS, the City of Englewood wishes to provide reimbursement in the amount of \$35,242.00 to the Englewood Volunteer Ambulance Corps for the emergency backup generator. A 36kw Generac Standby Generator with a 400 amp Automatic Transfer Switch and 225 amp 3-phase disconnect will be installed.

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to reimburse the Englewood Volunteer Ambulance Corps (EVAC) for this expenditure from Ordinance #04-13 (6); and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the Englewood Volunteer Ambulance Corps (EVAC) will be reimbursed for the installation of an emergency backup generator at their headquarters located at 7 Jay Street in Englewood.

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

RESOLUTION # 214-09-23-14

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 license(s) 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 which began July 1, 2014 at 12:01 AM and will end on 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 CONSUMPTION LICENSE #33

0215-33-005-010 Parea LLC (*Inactive*) *No Address on File*

PLENARY RETAIL DISTRIBUTION LICENSE #44

0215-44-015-013 70 Grand LLC (*Inactive*) *No Address on File*

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

RESOLUTION #215-09-23-14

RESOLUTION AUTHORIZING GRANT AGREEMENT FOR 2014-2015 FUNDING OF THE WARREN STREET CONSTRUCTION PROJECT

BE IT RESOLVED, that the City Council of the City of Englewood wish to enter into a grant agreement with the County of Bergen for the purpose of using a \$135,901 in the 2014-2015 Community Development Block for the Warren Street Construction project;

BE IT FURTHER RESOLVED, that the City Council of the City of Englewood hereby authorizes Timothy Dacey, City Manager to be a signatory to the aforesaid grant agreement Contract; and

BE IT FURTHER RESOLVED, that City Council of the City of Englewood hereby authorizes Ronald Amorino, Chief Financial Officer to sign all County of Bergen Payment Vouchers submitted in conjunction with the aforesaid project; and

BE IT FURTHER RESOLVED, that the City Council of the City of Englewood recognizes that the City of Englewood is liable for any funds not spent in accordance with the Grant Agreement; and that the liability of the City Council of the City of Englewood is in accordance with HUD requirements.

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

Public Session:

- Adam Brown 186 Elm Road:
 - Spoke about Resolution #210 and asked if this will be competition for Time Warner. Mr. Dacey explained no because it only provides service to a very small commercial/industrial area in town.
- Jeanne Hopewell Liberty Road:
 - Very interested that the ice arena will be opening on Sunday, October 5th.
 - Spoke about the Pedestrian Traffic Safety Grant.
 - Wants more supervision on Liberty Road in regard to the number of speeders. Mr. Dacey informed her that the City is purchasing an electronic sign to be placed as you come into town from Teaneck/Bergenfield informing drivers of their rate of speed and to slow down.
- Andrea Heydrich 387 Cumberland Street:
 - Requesting to make a factual presentation at a future Council Workshop in regard to the deer situation at FRBNC.
 - Reviewed the presentation by Carol Stanko and found it to misrepresentative in the following areas:
 - Photos used of FRBNC. Photos were used showing flowers not indigenous to this area.
 - Spoke with Police dispatchers and there is not a high rate of deer/vehicular accidents recorded in Englewood.

ADJOURN: 8:55 PM

Motion: Forman
All in Favor

Lauren Vande Vaarst, RMC
City Clerk