

City of Englewood
City Council Workshop
Meeting Minutes

June 9, 2015 at 7:40pm

A Workshop Meeting of the Mayor and Council of the City of Englewood, Bergen County, New Jersey was held in the Liberty School, 12 Tenafly Road, commencing at 7:30 P.M.

ROLL CALL:

Present:	Council member Marc Forman
	Council member Michael Cohen
	Council member Eugene Skurnick
	Council member Wayne Hamer
	Mayor Frank Huttle III
	City Attorney William Bailey
	City Manager Timothy Dacey
	City Clerk Lauren Vande Vaarst
Absent:	Council President Lynne Algrant

Council President Pro Tem Cohen called the meeting to order.

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

ORDINANCE #15-08

AN ORDINANCE AMENDING CHAPTER 334, SALES, SPECIAL; ARTICLE II GARAGE SALES AND FLEA MARKETS, SECTION 334-19 CONDUCT OF SALES OF THE CODE OF THE CITY OF ENGLEWOOD

WHEREAS, Chapter 334, Sales, Special; Article II Garage Sales and Flea Markets , Section 334-19 Conduct of Sales does not limit the number of garage sales that can be held at a property within a calendar year within the City of Englewood; and

WHEREAS, the Governing Body of the City of Englewood wishes to amend the aforesaid Section to add limitations on the number of garage sales per property per calendar year.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Englewood, Bergen County, New Jersey, that Chapter 334, Sales, Special; Article II Garage Sales and Flea Markets, Section 334-19 Conduct of Sales is hereby amended to include as follows:

334-19 Conduct of Sales

The following regulations shall limit the conduct of garage sales within the City of Englewood:

- A. No garage sale, as defined by this article, shall be conducted without obtaining a permit for such sale as set forth in this article.
- B. All sales shall be limited to the hours between 9:00 a.m. and sunset on any given day.
- C. No single garage sale shall continue for more than two days. **Garage sale permits will be limited to one permit per month per calendar year per property located within the City of Englewood.**
- D. No signs shall be used to advertise the sales except those authorized by this article.
- E. All signs advertising garage sales must be removed by 6:00 p.m. on the last day following the sale.
- F. Permits must be prominently displayed at the time and location of the sale.

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

FIRST READING DATE: June 9, 2015

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

Mayor and Council comments on Ordinance #15-08:

- Councilman Skurnick asked when this was previously discussed. The City Clerk explained that Councilman Cohen had brought it up in his Council Comments at the May 26, 2015 meeting and had asked the Council President if it could be placed on the June 9th agenda for Introduction/First Reading and she directed the City Clerk to do so.
- Councilman Cohen stated that he wanted this on the agenda so we do not miss that whole summer season. He has received complaints in his Ward about garage sales every weekend and the City Manager and City Clerk researched this and found that many municipalities limit the number of garage sales to either one per month or one per quarter. He feels that one per month is fine and one per quarter is too punitive.
- Councilman Skurnick asked how many garage sale permits are issued per week. The City Clerk said that if Councilman Skurnick had contacted her earlier in the day she could have had exact numbers prepared, her estimate is 5-6 per week on average.
- Mayor Huttle asked how many complaints Councilman Cohen has received? The Mayor did not realize that this was an issue.

PUBLIC COMMENT ON AGENDA ITEMS:

- No one from the Public came forward to speak.

RESOLUTION #124-06-09-15

**APPROVING THE INTRODUCTION OF THE
ENGLEWOOD SPECIAL IMPROVEMENT DISTRICT BUDGET FOR FY 2016**

WHEREAS, the Englewood Special Improvement District budget for FY 2016 (July 1, 2015 - June 30, 2016) was approved by the Englewood Economic Development Corporation, as its District Management Corporation, on April 30, 2015; and

WHEREAS, N.J.S.A. 40:56-65 et seq requires that the budget be introduced and approved by the City Council on two readings of a resolution following a public hearing.

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

Section 1. The following statement of revenues and appropriations represents the Special Improvement District budget for FY 2016.

<u>Revenues</u>		<u>Appropriations</u>	
Clean Communities Grant	\$ 37,000	Clean Communities Expenses	\$ 37,000
Business License Fees	\$ 250,000	Public Improvements & Planning	160,000
		Management and Maintenance	40,000
		Advertising and Marketing	40,000
		Professional Fees	<u>10,000</u>
Total Revenues	\$ 287,000	Total Appropriations	\$ 287,000

Section 2. This budget is hereby approved on first reading by the City Council and the budget shall be published in the Record and a public hearing shall be scheduled at the City Council Meeting on June 23, 2015 at which time fee payers or other interested parties will be heard.

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 on Resolution #124-06-09-15:

- Presented by Adam Brown, Chair of the Englewood Economic Development Corp (EEDC).
- Spoke about the EEDC's finances and that they recently paid off a loan for W. Palisade Avenue from 15 years ago. Because loan has been paid off the EEDC is able to reprioritize its funds and money will be spent on marketing efforts especially on the Westside, working with the merchants as to what their needs are. Including bilingual marketing materials.
- Handed out a list of all of the EEDC's accomplishments in the past year and the projects that were completed.
- A parking management program will be implemented which will require action by the governing body and capitalization by them along with the EEDC.
- New marketing plan will highlight Master Plan and new zoning ordinances.
- Spoke about the parking issue at the Bergen PAC Performing Arts School and that there is an application before CSX and NJDOT in regard to a pedestrian track crossing which should alleviate problems with strollers and the Framers Market.

Would also like to remove the parking strip by Veterans Park and create a green strip there.

- Mayor and Council comments:
 - Councilman Skurnick:
 - Happy to see that they are planning on doing more marketing for the Westside of Palisade Avenue, and asked about the plan. Again Mr. Brown stated that they will work directly with the merchants as to what their needs are.
 - Asked about accomplishments for 2013-2014, Chairman Brown reiterated the list.
 - Spoke about the Bergen PAC Performing Arts School and the parking situation. Also stated that no students from the 3rd and 4th Wards are participating. Mr. Brown said that is a question better answered by the Bergen PAC, and that no child is to be turned away due to lack of funds.
 - Asked who runs the Summer Apprenticeship Program, Mr. Brown said he would get the Councilman a report for 2014, and the program is run with the Bergen Family Center.
 - Asked about Standing Finance Committee. Mr. Brown said it is a good idea, and has not had the time to implement it but is willing to do so. Also explained that the \$4,000-\$5,000 was from the Trolley and the Professional Fees, Accounting fees are \$10,000.
 - Councilman Skurnick asked about court case. Bill Bailey explained about OPRA request and the GRC decision. Mr. Brown said that in 2013 the EEDC chose to act with full transparency.
 - Councilman Hamer asked what the merchants' fees are; Mr. Brown explained that they are \$0.22 per square foot per their space. All funding is provided by the merchants and not the public tax dollars.
 - Mayor Huttle:
 - Will reach out to the Bergen PAC and Performing Arts School to o a presentation, and it should probably be held at the school so the governing body and public can see what is offered there for themselves. No child is to be turned down for financial reasons. Spoke about the Englewood Idol, Englewood's Got Talent and the recent production of Footloose.
 - The Summer Apprenticeship Program has been very successful.
 - Councilman Skurnick did ask some good questions.
 - Spoke about a major production on the Westside of Palisade Avenue that was originally scheduled for September 19th and some construction issues have arisen.
 - Councilman Cohen commended Mr. Brown on the work that the EEDC has been doing. Concerned that they are spending City money. Again Mr. Brown stated that it is money collected from the merchants in the SID zone only.
 - Mr. Bailey explained that the EEDC is a Public Agency.
 - Councilman Cohen would like the EEDC to be part of the regular Budget hearings. Mr. Brown does not feel that is appropriate, they have tow (2) obligations as required by law;
 - Submit the Budget to the governing body for approval.
 - Provide the governing body with an annual audit.
 - Mr. Brown feels that the governing body has spent more time this evening on the EEDC Budget then they did in the budget hearing on the Library's Budget.
 - Discussion ensued regarding membership of the EEDC, put all governing body back on the board and/or who appoints members.
 - Mr. Brown explained that the Special Improvement District (SID) boundaries are limited by State Statute.
 - Councilman Cohen feels that the EEDC membership needs to be restructured and that one person, the Mayor, has too much power. Mr. Brown stated that it is a good check and balance system the way it is now and it works well.
 - Councilman Skurnick will be voting "No" on this resolution because he feels that Mr. Brown as the Chair of the EEDC should not be involved in politics and should resign his Democratic County Committee seat and Planning Board seat because it is unethical and/or a conflict of interest and therefore possibly illegal. Would like him to stay on as Chair of the EEDC if he resigns from those 2 positions, is doing a very good job with the EEDC.

RESOLUTION #125-06-09-15

CITY OF ENGLEWOOD COMMEMORATES JUNETEENTH 2015

WHEREAS, the holiday of Juneteenth, also known as Freedom Day or Emancipation Day, commemorates the announcement of the abolition of slavery in the State of Texas on June 19, 1865 and has since become a day to honor African American heritage throughout the United States; and

WHEREAS, the City of Englewood is proud to be a culturally diverse and rich community with a large African-American population comprising nearly thirty-three percent of its total population and wishes to recognize and honor this important day in African American history; and

WHEREAS, Englewood resident and State Senator Byron M. Baer, District 37, in 2004 sponsored Senate Bill No. 566 to designate the third Saturday of June in each year as "Juneteenth Independence Day" in the State of New Jersey "to commemorate and celebrate the emancipation of African-Americans and foster respect for all cultures."

WHEREAS, in 2015 the Mayor and City Council of the City of Englewood officially recognize June 19th as Juneteenth Day in the City of Englewood and that by doing so honor the legacy and traditions of the African American community of the City of Englewood; and

WHEREAS, the Jabari Society of Bergen County will be holding their Fifth Annual Juneteenth Celebration in Depot Square in the City of Englewood from June 11 through June 14, 2015 which includes a parade on Saturday, June 13th.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Englewood, County of Bergen, State of New Jersey hereby congratulates and commends the Jabari Society of Bergen County on the continued success of their Annual Juneteenth Celebration which has become an important part of the Englewood community.

<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 #126-06-09-15

AUTHORIZE THE SUBMISSION OF A U.S. DEPARTMENT OF JUSTICE (DOJ), BUREAU OF JUSTICE ASSISTANCE (BJA) FY 2015 BODY-WORN CAMERA PILOT IMPLEMENTATION PROGRAM GRANT APPLICATION

WHEREAS, the U.S. Department of Justice (DOJ), Bureau of Justice Assistance (BJA) is making funding available to local law enforcement agencies through the FY 2015 Body-Worn Camera Pilot Implementation Program; and,

WHEREAS, the DOJ will provide funding in the form of matching grants for the purchase of body worn cameras and all associated technology; and,

WHEREAS, the Englewood Police Department has identified the need for the acquisition of body-worn cameras in order to improve its day-to-day operations from a technology standpoint.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Englewood, in the County of Bergen, State of New Jersey formally supports this project.

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize the submission of an electronic grant application to the DOJ through the FY 2015 Body Worn Camera Pilot Program.

BE IT FURTHER RESOLVED, that if and/or when a grant award is made, that the Mayor is hereby authorized to sign the grant agreement on behalf of the City of Englewood and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

<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 #127-06-09-15

AUTHORIZATION TO PREPARE AND ISSUE 2015 ESTIMATED TAX BILLS

WHEREAS, the City of Englewood cannot have its overall tax rate certified until after the adoption of both the State of New Jersey fiscal budget and County of Bergen budget; and

WHEREAS, it may be necessary to issue 2015 third quarter estimated tax bills prior to the tax rate certification in order to collect tax levy receipts in a timely manner to ensure the City of Englewood can meet its financial obligations; and

WHEREAS, the City of Englewood Tax Collector and Chief Financial Officer have computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies; and

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

1. The City of Englewood Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the City for the third installment of 2015 taxes. The Tax Collector shall proceed upon approval from the Director of the Division of Local Government Services to take such actions as permitted and required by P.L., 1993.c.72 (N.J.S.A. 4:4-66.2 and 54:4-66.3),
2. The entire estimated levy for 2015 is hereby set at \$110,140,966.91 and the estimated tax rate set at \$2.539,
3. In accordance with the law the third installment of 2015 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated tax bills are mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

<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			

Mayor and Council comments on Resolution #127-06-09-15:

- Councilman Skurnick wants an estimated tax bill sent out without any statements included.
- Mayor Huttie said that he would be happy to show the statement to the City Council before the tax bills go out.
- Councilman Skurnick mentioned that the Mayor is running for reelection this year and should not be putting a statement in the tax bill.

RESOLUTION #128-06-09-15

**RESOLUTION TO AUTHORIZE WITHDRAWAL OF AWARD OF CONTRACT
FOR ELEANOR HARVEY PARK AND TO AUTHORIZE THE CITY OF ENGLEWOOD TO
REBID THIS PROJECT**

WHEREAS, sealed bids were received on October 2, 2014 for the Eleanor Harvey Park Construction - Phase II, Project No. 111423 in accordance with specifications therefore and following public advertisement thereof pursuant to law; and

WHEREAS, three (3) vendors' bid was properly received and opened, and an award was made to Tec-Con Contractors, Inc., 9 Dodd Street, East Orange, New Jersey 07017 for the sum of \$412,131.00; and

WHEREAS, Tec-Con Contractors, Inc. has withdrawn from their contract with the City of Englewood citing that the irrigation portion of the Bid Specifications was too costly and could not be completed within the allotted Capital budget. Engineering is in agreement with Tec-Con Contractors, Inc's decision and claims that none of the other bidders would similarly be able to perform this work given our financial constraints.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the award of contract to Tec-Con Contractors, Inc. for the Eleanor Harvey Park Construction - Phase II, Project No. 111423 be withdrawn, their performance bond be returned and that the Eleanor Harvey Park Construction - Phase II, Project No. 111423 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			
<i>Hamer</i>	X	X			

RESOLUTIONS FOR DISCUSSION:

- Reviewed by Tim Dacey, City Manager:
 - Refunds Due to State Tax Appeals
 - Refund of Tax Overpayment

- Authorizing Award of Contract for Flat Rock Brook Nature Center Parking Area Reconstruction, Project Number 111328:
 - The Flat Rock Brook Nature Center Parking Area Reconstruction Bids came in over budget.
 - Councilman Forman thought we sent them out to rebid to get a better price. Frantz Volcy, City Engineer explained that the prices were higher than last time and he does not feel that we can get better prices at this time. Mr. Dacey explained that the Council can put this in next year's capital budget.
- Authorizing Award of Contract for 2015 Curb And Sidewalk Reconstruction, Project Number 111513
- Authorizing Award of Contract for West Palisade Avenue Improvements, Project Number 111503
- Resolution Authorizing an Agreement with Vantage Health Systems
- Resolution Authorizing an Agreement with The Women's Rights Information Center
- Authorizing Award of Contract for Denning Park Soccer Field Lighting Project Number 111510
- Bonus Grant for Food Waste, Abandoned Tires and Public Space Recycling:
 - Mr. Dacey explained that the City has not decided yet as to whether or not it will be applying for this grant.
 - Councilman Skurnick spoke about Millennium Strategies and asked what grants they have brought in..Mr. Dacey explained that the Mayor and Council recently received a report from them. Councilman Skurnick said that he has not seen anything substantive from them and asked if they are worth it. Mr. Dacey explained that they have brought in more money they we paid them and we have no one in house to do grant writing.

ORDINANCES FOR DISCUSSION:

ITEMS FOR DISCUSSION:

- Sub Committee presentation on Herring Park/ Korean War Veterans Park:
 - Presented by Council Skurnick and Councilman Hamer.
 - Councilman Skurnick hears the park called by all different names; Herring Field, Tryon Avenue Park, etc.
 - Dedicated in 1962 to the memory of the Korean War Veterans and a monument was placed there.
 - No evidence exists of the governing body ever officially naming it "Herring Field".
 - Subcommittee was officially appointed by Council president Algrant to come up with a solution.
 - Stated that as per Ron Wittreich the monument was moved by the Mayor.
 - Mr. Dacey said that Frantz Volcy can explain how the monument was moved.
 - Mayor Huttle did not direct the government to do anything without going through the proper channels. Mr. Volcy met with Mr. Wittreich at the site and Mr. Wittreich said that the monument is in the wrong location and wanted it moved back to its original location. Mr. Volcy was able to have a contractor currently working for the City move it at no cost to the City.
 - Councilman Hamer:
 - Said that the park can be named Korean War Veterans Park with the proper signage in place.
 - The field can remain Herring Field with the proper signage in place including signage that denotes the Jr. Raiders many Football Championships.
 - Wants to meet with both the Van Alstyne Family and the Jr. Raiders organization so everyone is onboard and everything will be done properly.
 - Councilman Skurnick:
 - Asked who owns Tryon Pool and if proper signage can also be placed there as well. Need to ask the EPSD, as the pool is their property.
 - Filed house will remain the Riviello Field House.
 - Asked Mayor Huttle if the Korean War Veterans will be included on the monument at the circle, yes they will.
 - Councilman Hamer:
 - Told the Mayor and City Council that they will meet with the Van Alstyne Family and the Jr. Raiders and work everything out.
- Update on Automated Garbage Pick Up:
 - Presented by James Koth, Director of Public Works and Raymond Romney, Supervisor of Recycling and Solid waste.
 - James Koth:
 - The City of Englewood purchased new automated garbage trucks to begin a pilot program in the 1st and 4th Wards. Also supplied all of the residents in those Wards with the correct garbage and recycling cans. There were 5,800 cans distributed out of the 8,000 ordered.
 - Biggest complaint to date is the size of the cans, residents were able to bring them in and exchange for smaller cans while some went back to using the larger cans.

- The program has been well received and is going well.
- The automated trucks are right hand driven as compared to the usual left, so drivers received specialized training and met the challenges.
- Each resident received 1 garbage and 1 recycling can and additional cans are available for purchase at the City of Englewood's cost.
- The routes in the 1st and 4th Ward were consolidated to 3 routes and labor costs have been reduced by 66% with collections being more efficient. Since May 1, 2015 injuries to DPW workers have also declined.
- Tonnage wise the same amount of trash is still being picked up.
- Looking to implement a new routing software package.
- Issues that need to be worked on:
 - Parking enforcement with the Englewood PD.
 - One way streets.
 - Residents who cannot get their cans to the curb.
- Thanked the Mayor and Council for the new equipment and commented that there is a new pride in ownership in the staff and morale is up.
- Spoke about the Recycling Transfer Station and that a number of years ago the NJDEP permits were allowed to expire, and the City has to send trucks out for 90 minutes of each day to the transfer station in Passaic County. The City does not need a NJDEP permit to use the Transfer Station as a Recycling Station and this would allow a reduced number of trips outside the City and recycling can be more efficient.
- Raymond Romney:
 - Worked with other towns that have the automated garbage trucks and they had said that it takes on average 3-4 months to get it working but the City of Englewood was able to accomplish that in only 6 weeks.
 - Thinks the town looks beautiful.
 - Injury rate has been reduced.
- James Koth would like to see the program expanded to the 2nd and 3rd Wards next year.
- Mayor and Council comments:
 - Mayor Huttie said it started out as a pilot program and wants the people in the 2nd and 3rd Wards to contact their Council people to ask for this in their Wards as well. He also said that no DPW employees have been let go and are being utilized 100% in the parks where they are needed. The Mayor also discussed the corporations that have recently been coming into the City such as Unilever and LG to do work in the City's parks.
 - Councilman Skurnick feels there is still a problem with vehicles parking by garbage cans. We need to rework the parking ordinances and that Central Avenue will be a challenge. Snow is going to be another issue because the streets will be impassable for the trucks.
 - Councilman Forman asked Mr. Koth if he has an idea of the trash collection schedule with the old trucks as compared to the 3 new trucks. Mr. Koth explained that they were not left a lot of historical data to use, but they are seeing the work being done within the work day with the new trucks.

PUBLIC SESSION:

- Donna Holiday- 62A Dubois Court:
 - A 44 year resident of Englewood and her one question is are the Mayor and Council considering building a Recreation Center for the children of Englewood. It is really needed by the at risk kids. Councilman Cohen explained that this has been discussed numerous times and the overriding issues are financial. Mr. Dacey spoke about the Recreation Programs being held at Liberty School and especially the "Dining to Learn" which has the children come and play basketball, receive tutoring and dinner. This program has been a huge success.
 - She suggested a boxing program and will discuss it further with Councilman Forman. Mayor Huttie mentioned the usage of Liberty School by the Recreation Department and also that Mr. Roth, Interim Superintendent, has allowed the Recreation Department 500 hours of access to the EPSD facilities which is the most access the City has had in 10 years.
 - Councilman Forman explained that the work being done in the parks is not about flowers but about facilities and even putting flooring in Mackay Arena to allow for year round use. Mayor Huttie said that he promised former Councilman Jack Drakeford that the arena would be used year round. Mr. Dacey said the biggest problem is trying to reach the kids that need the programs the most.
- Sheryl Brown 51A Dubois Court:
 - A lifelong resident of Englewood. Asked why the City cannot put the City Council meetings on the electronic message board. Mr. Dacey said that Councilman Hamer had the same concern and it has already been done.
 - She is concerned with parking especially at Lincoln School for residents and visitors. Mr. Dacey explained that this issue was considered and has been incorporated into the redevelopment plans for the Lincoln School and Old Firehouse sites. After the new Firehouse is open then the William Street lot will be paved for use.
 - Spoke about vacant lot on William Street where an apartment building has been proposed. Councilman Skurnick wants all Planning Board and Board of Adjustment Agendas given to the Mayor and Council. Mayor Huttie explained that the developer of the Lincoln School and Old Firehouse sites is not the same as the one who submitted plans for 50 William Street, and the newspaper article was incorrect. Mr. Volcy explained that the

developers at 50 William Street will need a variance and there are also wetlands issues and existing building issues at that site.

- Maria Bustos 147 Waldo Place:
 - Spoke about the garage sales that she holds on a weekly basis every Saturday and Sunday and sells clothes for \$1.00. She does not make much money and helps the poor. If the number of garage sales is reduced to once per month then it is not fair to her so please consider not changing the law and leaving it as is. She is an 18 year resident of Englewood and pays her taxes.
- Sandy Greenberg 449 Liberty Road:
 - Asked if there is a law regarding political lawn signs, the City Clerk explained that the City does not have one.
 - Asked about Tryon Avenue Field and asked if there is a Babe Ruth Field, no there is not.
 - Does vantage Health and the Women's Rights Information Center get free parking at Liberty School, yes they do said Mr. Dacey as they are nonprofits.
 - Spoke about her concerns about the proposed apartment building application at 50 William Street.
- Dr. Margaret Nickleforth 82 William Street, Apt. B8:
 - Concerned with 4 story building before the Board of Adjustment located at 50 William Street, especially with the number of parking spaces and residents.
 - Mr. Bailey explained that the Mayor and Council do not make decisions on Board of Adjustment and/or Planning Board applications and if the residents are concerned then they must appear before the appropriate Board to testify. Councilman Skurnick asked why the Mayor and Council cannot change the zoning on a property. Mr. Bailey explained about the "time of application rule" whatever zoning is in place at the time of application stands.
- Larissa Davison 48B Dubois Court:
 - Asked why City cannot send notices out about the project at 50 William Street. Mr. Bailey explained that the notices are sent to the property owners as required by law and not the tenants.
- Sandy Greenberg 449 Liberty Road:
 - Commented that the public notices are not understandable.
- Chanon McDuffie 87E Dubois Court:
 - Asked about the noise ordinance in relation to the New Firehouse construction. The City Clerk read the noise ordinance aloud. She is hearing moving of equipment going on at 5am, Mr. Volcy said that he will investigate.

RESOLUTION #129-06-09-15

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:

Litigation

Which subject matter is permitted to be discussed in closed session pursuant to the following designated sub-section(s) of Section 7 of the Open Public Meetings Act:

- () Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law.
- () Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds.
- () Sub-section 3 involving disclosure of material which would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved.
- () Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions, and negotiations thereof.
- () Sub-section 5 dealing with the acquisition of real property, the settling of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest.
- () Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law.
- (X) Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege.
- () Sub-section 8 dealing concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof.

() Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license.

AND BE IT FURTHER RESOLVED that, as precisely as can be determined at this time, the discussion conducted in the said closed session can be disclosed to the public upon taking final action thereon, provided disclosure shall not violate the attorney-client privilege or constitute an undue invasion of privacy; and

BE IT FURTHER RESOLVED that, although it is not envisioned that the Council will return to open session after this meeting, the Council reserves the right to do so upon conclusion of the closed session.

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

ADJOURN: 10:23 PM

Motion: Skurnick

All in Favor

Lauren Vande Vaarst, RMC
City Clerk