

City of Englewood
City Council Meeting Minutes
June 23, 2015

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 7:40 P.M.

Roll Call:

Present: Council member Marc Forman
Council member Michael Cohen (left at 8:35pm)
Council member Eugene Skurnick
Council member Wayne Hamer
Council President Lynne Algrant
Mayor Frank Huttle III
City Manager Timothy Dacey
City Attorney William Bailey
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.

POLICE DEPARTMENT PROMOTION Police Officer Lester Martin promoted to Detective 2nd Grade

RESOLUTION #130-06-23-15

RESOLUTION ACCEPTING MINUTES

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

COUNCIL WORKSHOP MEETING

May 12, 2015
June 9, 2015

COUNCIL MEETING

May 26, 2015

CLOSED SESSION MINUTES

May 12, 2015
June 9, 2015

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 #131-06-23-15

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 \$7,971,019.84.

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			

Communications from the Mayor/Council Member:

- Mayor Huttle asked for a moment of silence to remember the South Carolina shooting victims.

Comments from the City Manager:

- The pools are opening this Friday, June 26, 2015.
- The new Firehouse should be completed by the end of December.
- Roadwork throughout the City is underway.
- Upcoming events:
 - Fireworks- July 1st (rain date July 8)
 - Englewood Market Night- July 15th (rain date July 16)
 - Englewood Family Day- July 25th
- Estimated Tax Bills will be going out in the next few weeks.

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:

- No garage sale, as defined by this article, shall be conducted without obtaining a permit for such sale as set forth in this article.
- All sales shall be limited to the hours between 9:00 a.m. and sunset on any given day.
- 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.***
- No signs shall be used to advertise the sales except those authorized by this article.
- All signs advertising garage sales must be removed by 6:00 p.m. on the last day following the sale.
- 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

DATE PUBLISHED IN THE RECORD: June 12, 2015

DATES PUBLIC HEARINGS HELD: June 23, 2015

DATE SECOND READING HELD: June 23, 2015

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		N

Public Hearing on Ordinance #15-08:

- Harper Goldwire 143 Waldo Place:
 - Lives next door to Maria Bustos who holds regular weekly garage sales.
 - On Memorial Day she held the sale for three (3) days, but by law is only allowed two (2) days.
 - He does not want to live next to a store and every week is too much. Understands that she is helping people but every week is too much.
 - Feels that Mrs. Bustos violates the spirit of the garage sale law in Englewood.
 - They used to have a good neighborly relationship.
 - Passed around photos for the Mayor and Council to see.
- Maria Bustos 147 Waldo Place:
 - She has been living at this house for 9 years and 15 years overall in Englewood.
 - Spoke about the bad relationship with her neighbor and that he is always complaining.
 - She would like the Council to adopt an Ordinance that allows garage sales twice a month not just once. Feels once per month is not enough.
 - She does sell clothing for \$1.00 and uses the money to help her family.
 - Feels that she is a good citizen of Englewood and also brings people into town that spend money.

Public Comment on Agenda Items:

- No one from the Public came forward to speak.

Mayor and Council Comments on Resolutions #132-140:

- Councilman Skurnick asked what the difference is between the budgetary amount and the bond amount in regard to Resolution #132. Mr. Dacey explained that the parking lot bids came in way over budget and we will look at adding it into the 2016 Capital Budget. Frantz Volcy, City Engineer explained that concrete prices are very high right now.
- Councilman Skurnick asked if the City will be offering property owners the same deal as last year where they can sign up to have sidewalks redone at the same price the City is paying. Mr. Dacey explained that the program was so successful that it is better to offer it every two years in order to keep up with the demand (Resolution #133).
- Mayor Huttel spoke about his appointment of Kevin Wilson to the Board of Adjustment that is being confirmed by the Council this evening (Resolution #140).

RESOLUTION #132-06-23-15

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

WHEREAS, sealed bids were received on June 4, 2015, 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, three (3) 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.

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 #133-06-23-15

AUTHORIZING AWARD OF CONTRACT FOR 2015 CURB AND SIDEWALK RECONSTRUCTION, PROJECT NUMBER 111513

WHEREAS, sealed bids were received on June 16, 2015 for the 2015 Curb and Sidewalk Reconstruction, Project Number 111513 in accordance with specifications therefore and following public advertisement; and

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

WHEREAS, the bid submitted by M. Ingannamorte & Sons, 211 LaRoche Avenue, Harrington Park, New Jersey 07640 for the Base Bid and Alternate No.1 only, for the total sum of \$238,740.00 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, funds are available for this purchase from Ordinance #15-03, capital account C-04-15-003-000-003 for \$200,000.00 and C-04-15-003-000-001 for \$38,740.00 and 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. Ingannamorte & Sons for the Base Bid and Alternate No. 1 only 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. Ingannamorte & Sons, for the 2015 Curb and Sidewalk Reconstruction, Project Number 111513, for the Base Bid and Alternate No. 1 only 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			

RESOLUTION #134-06-23-15

AUTHORIZING AWARD OF CONTRACT FOR WEST PALISADE AVENUE IMPROVEMENTS, PROJECT NUMBER 111503

WHEREAS, sealed bids were received on June 23, 2015 for the West Palisade Avenue Improvements, Project Number 111503 in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids were received from two (2) bidders listed on the attached Bid Summary Sheet; and

WHEREAS, the bid submitted by Zuccaro, Inc., 248 Alberta Drive, Saddle Brook, New Jersey 07663 for the sum of \$1,368,997.75, 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, funds are available for this purchase from Ordinance #15-03(A & G) and a NJDOT grant in the amount of \$149,000.00 has been awarded, capital account C-04-15-003-000-001 and C-04-15-003-000-007 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 Zuccaro, 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 Zuccaro, Inc., for the West Palisade Avenue Improvements, Project Number 111503 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			

RESOLUTION #135-06-23-15

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.

<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 #136-06-23-15

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE WOMEN'S RIGHTS INFORMATION CENTER

WHEREAS, the Women's Rights Information Center ("WRIC") is a not for profit corporation located in the City of Englewood which provides programs and services to assist woman in a variety of areas including counseling and employment assistance; and

WHEREAS, the WRIC seeks to utilize six (6) parking spaces at the Liberty School for the staff of the WRIC; and

WHEREAS, the City of Englewood has determined to enter into an Agreement with the WRIC 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 the Women's Rights Information Center for the use of six (6) 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.

<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 #137-06-23-15

AUTHORIZING AWARD OF CONTRACT FOR DENNING PARK SOCCER FIELD LIGHTING PROJECT NUMBER 111510

WHEREAS, sealed bids were received on June 23, 2015 for the Denning Park Soccer Field Lighting Project Number 111510 in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids were received from two (2) bidders listed on the attached Bid Summary Sheet; and

WHEREAS, the bid submitted by Margonis Electrical Con., 163 Midland Avenue, Garfield, New Jersey 07026 for the sum of \$190,000.00 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, funds are available for this purchase from Ordinance #15-03(E), capital account C-04-15-003-000-005 and 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 Margonis Electrical Con., 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 Con., for the Denning Park Soccer Field Lighting Project Number 111510 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			

RESOLUTION #138-06-23-15

AUTHORIZE THE SUBMISSION OF A NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION - 2015 BONUS GRANT FOR FOOD WASTE, ABANDONED TIRES AND PUBLIC SPACE RECYCLING

WHEREAS, the New Jersey Department of Environmental Protection is making funding available through the 2015 Bonus Grant for Food Waste, Abandoned Tires and Public Space Recycling Program; and

WHEREAS, this program is designed to provide funding to municipal and county agencies to assist with recycling efforts within their jurisdiction; and

WHEREAS, the City of Englewood wishes to apply for and obtain funding through this program to assist with increasing recycling efforts within the City; and

WHEREAS, the City of Englewood believes, that this grant will provide the means necessary to help increase the quality of life within the community.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Englewood, County of Bergen, State of New Jersey authorizes the submission of this application for funding.

BE IT FURTHER RESOLVED, that upon receipt of a grant award, the governing body does further authorize the execution of any such grant agreement and the expenditure of funds pursuant to the terms of the 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			

REFUNDS DUE TO STATE TAX APPEALS

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

WHEREAS, the said judgments have created and overpayment on the tax account listed for said years;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, in the County of Bergen, State of New Jersey, that the Chief Financial Officer be and he is hereby authorized to refund overpayment of the property taxes in the amount of \$39,741.88 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			
<i>Hamer</i>	X	X			

APPOINTMENT OF MEMBER – BOARD OF ADJUSTMENT

BE IT RESOLVED by the City Council of the City of Englewood that the following appointment of the Mayor is hereby confirmed:

BOARD OF ADJUSTMENT

Kevin Wilson, 328 W. Palisade Avenue, PO Box 5475, be appointed to a two-year term as Alternate #2 commencing June 23, 2015 and expiring December 31, 2016.

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			

Public Session:

- Sandy Greenberg 449 Liberty Road:
 - Glad to hear that the restaurants on the Westside will be participating in Englewood Market Night.
 - Happy that Kevin Wilson is being appointed to the Board of Adjustment, and she has known him since he was a child.
- Jeanne Hopewell 380 Liberty Road:
 - Spoke about the playground equipment in the parks for the children especially Glenbrook Park. Mr. Volcy said that the City will be replacing benches their and also putting play equipment in.
- Shirley Smith 374 W. Palisade Avenue:
 - Spoke about the trees in the median on W. Palisade Avenue that were recently chopped down but not cleaned up and she wants someone to come and look at it. Mr. Volcy said that he is working with Jim Koth to replace the trees and clean up the median. Does not expect to replace the trees until the Fall and Mr. Dacey explained that they are also checking the soil to see if that has to be replaced as well.
- Adam Brown 186 Elm Road:
 - Spoke about bullying and that behind every bully is a coward. A coward is someone who attacks someone who is not present to defend themselves.
 - Read about the history of the City of Englewood going back to the 1950's and the Westside of Palisade Avenue has always been an issue and many redevelopment plans have been proposed. Nothing will be solved their until the parking problem is resolved.
 - Only 14% of the Special Improvement District (SID) lies west of Nathaniel Place, and 86% is located east of Nathaniel place but 90% of the thinking of the EEDC has gone towards the Westside. Projects done on the Westside include WiFi, new lighting, etc. The 86% is paying for the 14%.
 - Will not entertain nonsense from uniformed people, hardworking and diligent EEDC and will not have them slandered. The EEDC is hiring Carol Rauscher of the Chamber of Commerce to work with the merchants on the Westside.
 - The Summer Youth Apprenticeship program received 77 applications, of which 61 were qualified and 41 were accepted into the program. 36 are funded by the City of Englewood and 5 by the EEDC which also donated an additional \$2,000 to cover program costs. The program is being run by the Bergen Family Center and the

- participants are being held to the highest standards. All of the participants are from Englewood and all except for 2 attend school outside of Englewood. 80% are from the 3rd and 4th Wards.
- o Englewood Market Night has reached out to the Westside vendors but they were not interested. The City needs to bring people in from out of town to support the downtown. There is a perception problem that the City of Englewood is mostly an ethnic community and that needs to be celebrated.
- o In 2016 there will be a powerful marketing event that will take place on the Westside and will bring many people to the City,
- o Bergen PAC will be going out to the Englewood school to do outreach.

RESOLUTION #142-06-23-15

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

ADJOURN: 9:30 PM

Motion: Algrant
All in Favor

Lauren Vande Vaarst, RMC
City Clerk