

City of Englewood
City Council Workshop
Meeting Minutes

November 10, 2015

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.

Present: Council President Lynne Algrant
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

Absent: City Clerk Lauren Vande Vaarst

Council President Algrant called the meeting to order at 7:45pm and then led the Pledge of Allegiance.

OPEN PUBLIC MEETINGS ACT: The City Manager read the following statement: *Adequate notice of this meeting, pursuant to the Open Public Meetings Act, was provided on the Annual Schedule of Meetings, which was adopted by the City Council on January 6, 2015, posted on the bulletin board at City Hall, distributed to The Record, and filed in the office of the City Clerk.*

ORDINANCES – INTRODUCTION/FIRST READING:

ORDINANCE #15-11

AN ORDINANCE AMENDING ORDINANCE NO. 14-19 FIXING THE ANNUAL SALARIES TO BE PAID TO OFFICERS AND EMPLOYEES IN THE UNCLASSIFIED SERVICE OF THE CITY OF ENGLEWOOD AS OF JANUARY 1, 2015

Councilman Hamer made a motion that the ordinance pass on first reading and be published once, by title only, in the Record, and that a public hearing be held on **November 24, 2015.**

Councilman Forman seconded the motion.

ROLL CALL:

Yes: Council Members Hamer, Cohen, Forman and Algrant

No: Council Member Skurnick

ORDINANCE #15-12

ORDINANCE AMENDING BOND ORDINANCE 15-03 OF THE CITY OF ENGLEWOOD, COUNTY OF BERGEN, NEW JERSEY

Councilman Hamer made a motion that the ordinance pass on first reading and be published once, by title only, in the Record, and that a public hearing be held on **November 24, 2015.**

Councilman Forman seconded the motion.

ROLL CALL:

Yes: Council Members Hamer, Cohen, Forman and Algrant

No: Council Member Skurnick

ORDINANCE #15-13

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS FIRE EQUIPMENT AND COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS TO THE FIRE STATION IN AND FOR THE CITY OF ENGLEWOOD, COUNTY OF BERGEN, NEW JERSEY; APPROPRIATING THE SUM OF \$341,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF ENGLEWOOD, COUNTY OF BERGEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$323,950 MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Councilman Hamer made a motion that the ordinance pass on first reading and be published once, by title only, in the Record, and that a public hearing be held on **November 24, 2015**.

Councilman Forman seconded the motion.

ROLL CALL:

Yes: Council Members Hamer, Cohen, Forman and Algrant

No: Council Member Skurnick

ORDINANCE #15-14

AN ORDINANCE OF THE CITY OF ENGLEWOOD APPROVING A FINANCIAL AGREEMENT WITH ENGLEWOOD BUILDERS URBAN RENEWAL, LLC

Councilman Forman made a motion that the ordinance pass on first reading and be published once, by title only, in the Record, and that a public hearing be held on **November 24, 2015**.

Councilman Skurnick seconded the motion.

ROLL CALL:

Yes: Council Members Hamer, Cohen, Skurnick, Forman and Algrant

PUBLIC COMMENT ON CONSENT AGENDA ITEMS

- No one from the Public came forward to speak.

RESOLUTIONS-CONSENT AGENDA

- #210-11-10-15 Resolution Authorizing Waiver of Downtown Parking Meter Fees during the 2015 Holiday Season
- #211-11-10-15 Award Professional Services Contract to T&M Associates to Provide Engineering Services for Beech Road Survey, Project No. 111511
- #212-11-10-15 Award Professional Services Contract to T&M Associates to Provide Engineering Services for Tenafly Road and Durie Avenue Traffic Signal Design, Project No. 111007
- #213-11-10-15 Authorizing an Amendment to the Redevelopment Agreement Dated May 7, 2014 by and between the City of Englewood and Englewood Builders Urban Renewal, LLC
- #214-11-10-15 Authorize Women's Rights Information Center Application for Bergen County Community Development Block Grant Funds for Shared Housing Program
- #215-11-10-15 Authorize Women's Rights Information Center Application for Bergen County Community Development Block Grant Funds for Help for Enterprising Women Program
- #216-11-10-15 Authorizing Appointment of Certified Recycling Professional
- #217-11-10-15 Authorize Award of Contract for the Loading, Transportation, & Recycling of Leaves & Vegetative Waste in the City of Englewood
- #218-11-10-15 Authorize Budget Transfers for Budget Year 2015
- #219-11-10-15 Authorize Award of Contract for a 2015 Model Year 9,000,000 BTU Snowmelter
- #220-11-10-15 Cooperative Purchase of Hook Lift for DPW
- #221-11-10-15 Authorize Award of Contract for Supplemental Snow Plow Services in the City of Englewood

Council President Algrant asked if any members of the Council wished to have any resolutions pulled off the Consent Agenda to be voted on separately. Council Members requested that Resolutions #219 and #220 be pulled from the Consent Agenda for separate vote.

A motion was made by Council Member Cohen and seconded by Council Member Hamer to approve Resolutions #210 through #218 and #221.

ROLL CALL:

Yes: Council Members Hamer, Cohen, Skurnick, Forman and Algrant

RESOLUTION #210-11-10-15: RESOLUTION AUTHORIZING WAIVER OF DOWNTOWN PARKING METER FEES DURING THE 2015 HOLIDAY SEASON

WHEREAS, the Holiday shopping season is always a busy time for Englewood's Downtown and its merchants; and

WHEREAS, in order to assist in the promotion of Holiday shopping throughout Englewood's Downtown during the holiday season, to support the merchants, and encourage shoppers, that all downtown parking meter fees will be waived for the following dates:

- Thursday, November 26 through Sunday, November 29, 2015
- Saturday, December 12 through Thursday, December 31, 2015.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that all Downtown parking meter fees shall be waived during the 2015 Holiday shopping season for the aforementioned dates.

RESOLUTION #211-11-10-15: AWARD PROFESSIONAL SERVICES CONTRACT TO T&M ASSOCIATES TO PROVIDE ENGINEERING SERVICES FOR BEECH ROAD SURVEY, PROJECT NO. 111511

WHEREAS, the City of Englewood has the need for Engineering Services for the Beech Road Survey, Project No. 111511; and

WHEREAS, the scope of work as outlined in the attached proposal dated October 26, 2015 will include establishing existing traverse points and elevation required for the design and reconstruction of Beech Road; 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, 1455 Broad Street, Bloomfield, New Jersey 07003 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 dated October 26, 2015, is not to exceed \$11,872.00; 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, funds are available for this purchase from Ordinance #15-03(A), capital account C-04-15-003-000-001 and the Chief Financial Officer has certified that sufficient funds are available to award this contract; and

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 Engineering Services for the Beech Road Survey, Project No. 111511; 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.

RESOLUTION #212-11-10-15: AWARD PROFESSIONAL SERVICES CONTRACT TO T&M ASSOCIATES TO PROVIDE ENGINEERING SERVICES FOR TENAFLY ROAD AND DURIE AVENUE TRAFFIC SIGNAL DESIGN, PROJECT NO. 111007

WHEREAS, the City of Englewood has the need for Engineering Services for the Tenafly Road and Durie Avenue Traffic Signal Design, Project No. 111007; and

WHEREAS, the scope of work as outlined in the attached proposal dated October 7, 2015 includes the following:

- Prepare a complete set of Plans, Specs and Bid Documents for the project.
- Prepare a construction Estimate for the project.
- Review Bid Documents and provide a Letter of Recommendation to the City.
- Schedule and Oversee Preconstruction meeting.
- Answer all RFI's related to the project until the completion of the project.
- Schedule appropriate number of inspections to properly oversee project and provide required reports, photos, and documents to the City of Englewood regarding the project.

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, 11 Tindall Road, Middletown, New Jersey 07748 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 dated October 7, 2015, is not to exceed \$35,470.00; 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, funds are available for this purchase from Ordinance #15-03(G), capital account C-04-15-003-000-007 and the Chief Financial Officer has certified that sufficient funds are available to award this contract; and

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 Engineering Services for the Tenafly Road and Durie Avenue Traffic Signal Design, Project No. 111007; 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.

RESOLUTION #213-11-10-15: AUTHORIZING AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT DATED MAY 7, 2014 BY AND BETWEEN THE CITY OF ENGLEWOOD AND ENGLEWOOD BUILDERS URBAN RENEWAL, LLC

WHEREAS, on or about May 7, 2014, the CITY OF ENGLEWOOD and ENGLEWOOD BUILDERS URBAN RENEWAL, LLC entered into a Redevelopment Agreement with respect to the purchase and redevelopment of the City owned Lincoln School and Firehouse properties; and

WHEREAS, said Agreement provided for a closing date on or before November 30, 2015, unless both the City and Redeveloper agree to an extension of the closing date; and

WHEREAS, pursuant to said provision in the Redevelopment Agreement, the parties wish to extend the closing date until on or before March 1, 2016;

NOW, THEREFORE, BE IT RESOLVED that the City Manager is hereby authorized to execute the Amendment to the Redevelopment Agreement, which is annexed hereto to provide that the closing date is extended until on or before March 1, 2016, and that either party shall give thirty (30) days written notice prior to the scheduling of said closing date.

RESOLUTION #214-11-10-15: AUTHORIZE WOMEN'S RIGHTS INFORMATION CENTER APPLICATION FOR BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR SHARED HOUSING PROGRAM

WHEREAS, a Bergen County Community Development grant of \$66,082 has been proposed by Women's Rights Information Center for their Shared Housing program; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the City Council; and

WHEREAS, the aforesaid project is in the best interest of the people of Englewood; and

WHEREAS, this resolution does not obligate the financial resources of the City and is intended solely to expedite expenditure of the aforesaid Community Development funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

RESOLUTION #215-11-10-15: AUTHORIZE WOMEN'S RIGHTS INFORMATION CENTER APPLICATION FOR BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR HELP FOR ENTERPRISING WOMEN PROGRAM

WHEREAS, a Bergen County Community Development grant of \$82,950 has been proposed by Women's Rights Information Center for their Help for Enterprising Women program; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the City Council; and

WHEREAS, the aforesaid project is in the best interest of the people of Englewood; and

WHEREAS, this resolution does not obligate the financial resources of the City and is intended solely to expedite expenditure of the aforesaid Community Development funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

RESOLUTION #216-11-10-15: AUTHORIZING APPOINTMENT OF CERTIFIED RECYCLING PROFESSIONAL

WHEREAS, Raymond Romney, a Supervisor in the City of Englewood's Department of Public Works has completed the New Jersey Recycling Certification Series (Full Series #8) on May 8, 2014; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood, Bergen County, New Jersey, does hereby appoint Raymond Romney as the City of Englewood's Certified Recycling Professional at an annual stipend of \$5,000.

RESOLUTION #217-11-10-15: AUTHORIZE AWARD OF CONTRACT FOR THE LOADING, TRANSPORTATION, & RECYCLING OF LEAVES & VEGETATIVE WASTE IN THE CITY OF ENGLEWOOD

WHEREAS, sealed bids were received on October 20, 2015 for the Loading, Transportation, & Recycling of Leaves & Vegetative Waste 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 Letter of Recommendation; and

WHEREAS, the quotation submitted by Nature's Choice, located at 398 Lincoln Boulevard, Building 1, Middlesex, New Jersey 08846 for a one-year contract with the City of Englewood's option to renew each year for four (4) more years, was determined to be the low bid and is in compliance with the specifications; and based upon the recommendation of the Director of the Department of Public Works, can be accepted by the City Council; and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to award this contract from account number 5-01-31-455-000-200.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by Nature's Choice for the Loading, Transportation, & Recycling of Leaves & Vegetative Waste 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 by Nature's Choice for the Loading, Transportation, & Recycling of Leaves & Vegetative Waste in accordance with the specifications therefore.

RESOLUTION #218-11-10-15: AUTHORIZE BUDGET TRANSFERS FOR BUDGET YEAR 2015

WHEREAS, N.J.S.A. 40A:4-58 provides that budget transfers must take place prior to December 31, 2015 for the 2015 Budget; and

WHEREAS, there is a need for budget transfers due to unforeseen circumstances and the need to provide funds to cover imminent obligations; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, County of Bergen, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) that the Chief Financial Officer is hereby authorized to make transfers from Current Fund Budget accounts for the year 2015 where a deficit would possibly occur on or before December 31, 2015 pursuant to and in accordance with provisions in N.J.S.A. 40A:4-58 and according to the schedule attached hereto.

<u>Description</u>	<u>Account</u>	<u>TO</u>	<u>FROM</u>
COMM DEV	5-01-20-170-XXX		\$40,000.00
PD-S&W	5-01-25-240-XXX		\$30,000.00
INSURANCE	5-01-23-210-XXX		\$50,000.00
FINANCE- S&W	5-01-20-130-XXX		\$6,000.00
FINANCE- O/E	5-01-20-130-XXX	\$16,000.00	
LEGAL	5-01-20-155-XXX	\$10,000.00	
ENG	5-01-20-165-XXX	\$10,000.00	
CODE	5-01-22-195-XXX	\$20,000.00	
TERM LEAVE	5-01-27-350-XXX	\$70,000.00	
PFRS	5-01-36-475-XXX	\$6,000.00	
SOC SEC	5-01-36-472-XXX	\$0.00	\$6,000.00
		S/T	\$132,000.00
The accounts in the "FROM" column have more funding than necessary while the accounts in the "TO" column have insufficient funds to cover anticipated expenses through the end of the year 2014.			
This resolution transfers funds from the accounts that have too much money to the ones that need money.			

RESOLUTION #221-11-10-15: AUTHORIZE AWARD OF CONTRACT FOR SUPPLEMENTAL SNOW PLOWING SERVICES IN THE CITY OF ENGLEWOOD

WHEREAS, sealed bids were received on November 5, 2015 for Supplementary Snow Plowing Services 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 Letter of recommendation; and

WHEREAS, the quotation submitted by F. Mauro Builders, located at 151 Walnut Street, Northvale, New Jersey 07647 was determined to be the low bid and is in compliance with the specifications; and based upon the recommendation of the Director of the Department of Public Works, be awarded the primary contract and can be accepted by the City Council. The base contract is for a period of three (3) years with two (2) optional one (1) year renewals to be exercised at the sole discretion of the City; and

WHEREAS, there exists a need for a secondary backup contractor for this work; and

WHEREAS, the quotation submitted by M. Ingannamorte & Son, located at 20 Chestnut Street, Suite 1, Tenafly, New Jersey 07670 for the same contract period as aforementioned to serve as the secondary backup contractor; and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to award this contract from account number 5-01-26-290-000-228.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by F. Mauro Builders, as Primary Contractor and M. Ingannamorte & Son, as Secondary Contractor, 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 by F. Mauro Builders, as Primary Contractor and M. Ingannamorte & Son, as Secondary Contractor, for Supplementary Snow Plowing Services on as needed basis in accordance with the specifications therefore.

RESOLUTIONS – NON-CONSENT AGENDA

RESOLUTION #219-11-10-15: AUTHORIZE AWARD OF CONTRACT FOR A 2015 MODEL YEAR 9,000,000 BTU SNOWMELTER

WHEREAS, sealed bids were received on October 15, 2015 for a 2015 model year 9,000,000 BTU Snowmelter in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids were received from one (1) bidder listed on the attached Letter of Recommendation; and

WHEREAS, the City of Englewood will be purchasing the equipment from Raritan Valley Truck Sales, located at 4115 Route 1, South Brunswick, NJ 08852 for the purchase price of \$229,471.00 with an extended warranty for an additional \$5,850.00 for a total sales price of \$235,321.00; and

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

WHEREAS, funds are available for this purchase from Ordinance #15-03(I), capital account C-04-15-003-000-009 and the Chief Financial Officer has certified that sufficient funds are available to award this contract; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by Raritan Valley Truck Sales for a 2015 model year 9,000,000 BTU Snowmelter 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 Raritan Valley Truck Sales a 2015 model year 9,000,000 BTU Snowmelter in accordance with the specifications therefore.

A motion to approve Resolution #219 was made by **Council Member Hamer** and seconded by **Council Member Cohen**.

ROLL CALL:

Yes: Council Members Hamer, Cohen, Forman and Algrant
No: Council Member Skurnick

**No further action was taken on Resolution #220-11-10-15

RESOLUTIONS FOR DISCUSSION

- Remediation of Police Pistol Range
- Award Professional Services Contract to William Ward, Esq.
- Resolution Approving Right-Of-Way Use To Cross River Fiber
- Fire Department Purchases

The items listed above were discussed by the Council Members and the Resolutions will be placed on the Regular Council Meeting Agenda for approval.

ORDINANCES FOR DISCUSSION

- None

ITEMS FOR DISCUSSION:

- Building Permit Waivers from Hurricane Sandy Damages for 394 Windsor Road.
A letter was submitted to the City Council by the property owners at 394 Windsor Road requesting waivers for building department permit fees for the re-construction of the home damaged by Super-storm Sandy. After some discussion, the City Council agreed to the waiver of the fees.

Motion by **Council Member Hamer** and seconded by **Council Member Skurnick** to add Resolution #222-11-10-15 to the agenda.

ROLL CALL:

Yes: Council Members Hamer, Cohen, Skurnick, Forman and Algrant

RESOLUTION #222-11-10-15: AUTHORIZING WAIVER OF PERMIT FEES

WHEREAS, the home located at 394 Windsor Road was destroyed during Hurricane Sandy; and

WHEREAS, the Owners of said home incurred permit fees in rebuilding their home; and

WHEREFORE, the Governing Body of the City of Englewood has the ability in appropriate circumstances such as this where there is a hardship to waive permit fees;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Englewood that any permit fees imposed by the City of Englewood are hereby waived, and to the extent they have already been paid shall be refunded to the Owners of 394 Windsor Road in the City of Englewood. With respect to fees imposed by the Department of Community Affairs, the City of Englewood does not have the authority to waive said fees, and nothing in this Resolution shall affect same.

Motion by **Council Member Hamer** and seconded by **Council Member Skurnick** to approve Resolution #222-11-10-15.

ROLL CALL:

Yes: Council Members Hamer, Cohen, Skurnick, Forman and Algrant

PUBLIC SESSION:

- No one from the Public came forward to speak.

CLOSED SESSION:

RESOLUTION #223-11-10-15: 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:

Personnel and 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.
- (**X**) Sub-section 8 dealing concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof.
- () Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license.

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

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

Motion by **Council Member Skurnick** seconded by **Council Member Hamer** to approve.

ROLL CALL:

Yes: Council Members Hamer, Cohen, Skurnick, Forman and Algrant

ADJOURN:

Motion by **Council Member Forman** seconded by **Council Member Hamer** to adjourn at 8:55pm.

ROLL CALL:

Yes: Council Members Hamer, Cohen, Skurnick, Forman and Algrant

Timothy Dacey, City Manager