

City of Englewood
City Council Meeting Minutes
November 24, 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 7:30 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 Huttie III
City Attorney William Bailey
City Manager Timothy Dacey

Absent: City Clerk Lauren Vande Vaarst

Council President Algrant called the meeting to order at 7:35pm 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.*

SWEARING-IN AND PRESENTATION:

Firefighters:

- Promotion of Erik S. Enersen to Deputy Fire Chief
- Probationary Firefighter Andrew Kimmerle - appointment
- Probationary Firefighter Christopher Gilmore - appointment

- 20 Year Service and Award Presentations:
 - Firefighter Curtis Barnes
 - Firefighter Michael Brodie
 - Firefighter Chandy Campbell
 - Firefighter Patrick Florio
 - Lieutenant Matthew Kansky
 - Firefighter Paul Pyrros
 - Firefighter Thomas Van Gorder
 - Firefighter Douglas Aaron Wilson

BILLS AND CLAIMS

RESOLUTION #224-11-24-15: 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 \$3,940,032.21.

Motion by **Council Member Forman** seconded by **Council Member Hamer** to approve the Bills and Claims.

ROLL CALL:

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

COMMUNICATIONS FROM THE MAYOR/COUNCIL MEMBERS:

Mayor Frank Huttle:

- Spoke about recent developments for the proposed project at 40 Bennett Road and issues with access to the property for inspection.

Councilman Marc Forman:

- No Comments.

Councilman Eugene Skurnick:

- Commended the City for its recent planting of street trees.
- Attended a session of the “Learn to Skate” program funded by Friends of the Wright Arena group.
- Spoke of his opposition for: the resolution hiring William Ward, Esq., an expert in eminent domain acquisitions; the proposed community center at 40 Bennett Road; the lack of indoor programs offered by the Recreation Department

Councilman Michael Cohen:

- Asked for a moment of silence for an Israeli boy who was killed in Israel and whose relatives live in Englewood.
- Spoke about the background of the ice-rink and the bond ordinance to repair it.
- Spoke about the process of obtaining a proposed community center and its purpose.

Councilman Marc Forman:

- Explained why the bump-outs were placed on Palisades Avenue.
- Addressed Mr. Skurnick’s comments about the Recreation Department’s indoor programs and the use of Liberty School.

Council President Algrant:

- Spoke about the resolution hiring William Ward, Esq., spoke about the need for a community space, the utilization of Liberty School by the Recreation Department and what it can be used for in the future.

COMMENTS FROM THE CITY MANAGER:

- Palisade Avenue is scheduled to be milled on Monday and Tuesday of next week, paved on Wednesday and Thursday, and striped on Friday. The contractor is placing pavers in the areas for designated planting for the winter and will return in the spring to remove the pavers and plant.
- There will be free parking downtown on Friday and Saturday to encourage shopping and dining in the area.
- The positions for CFO and Director of Human Resources have been posted.
- The Fire Lieutenants exam took place last Saturday and fifteen Firefighters took the exam.

ORDINANCES – INTRODUCTION/FIRST READING:

ORDINANCE #15-15

**AN ORDINANCE SUPPLEMENTING CHAPTER 3 OF THE
CODE OF THE CITY OF ENGLEWOOD ENTITLED “TAX ASSESSOR”**

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 **December 8, 2015.**

Councilman Forman seconded the motion.

ROLL CALL:

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

ORDINANCES – PUBLIC HEARING/SECOND READING:

At the request of the Council President, the City Manager read the title of the ordinance:

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, BERGEN COUNTY, NEW JERSEY, as follows:

Section 1. Each of the respective annual salaries (and maximum salary) of the City employees in the Unclassified Service of the City of Englewood is hereby increased to the following amounts effective as of January 1, 2013 as indicated on Schedule A.

Section 2. No fringe benefit or additional compensation or other term or condition of employment in effect as of the date of this ordinance shall be changed or affected in any way by this ordinance, and any such provision shall remain in full force and effect except to the extent that it is specifically changed by ordinance.

Section 3. The annual salaries set forth herein shall be paid on a pro rata basis to any person who shall hold any of the positions incorporated herein for less than a full year.

Section 4. The salaries set out in this ordinance shall become effective retroactively, as of the effective dates specified in Sections 1 and shall apply only to those persons in the employ of the City on the date when this ordinance becomes effective and shall remain in effect unless or until changed by subsequently adopted ordinances.

Section 5. If any sentence, section, clause, or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

Section 6. This ordinance shall take effect upon passage and publication as required by law.

SCHEDULE A

OFFICE POSITION	MAXIMUM SALARY (a) Effective 1/1/2015
ADMINISTRATION	
City Manager	\$197,000
Assistant City Manager	\$130,000
Director of Human Resources	\$100,000
Assistant Personnel Director	\$ 90,000
City Clerk	\$ 95,000
Deputy City Clerk	\$ 84,000
Transit System Manager	\$ 5,000
COAH Liaison	\$ 6,000
DIVISION OF BUILDING, HOUSING, ZONING AND CODE ASSISTANCE	
Code Enforcement Official/ Building Sub-Code Official	\$ 115,000
Building Inspector	\$ 70,000 \$ 50.00/hr
Zoning Officer/Code Enforcement	\$ 75,000
Fire Sub-Code Official	\$ 85,000
Fire Sub-Code Inspector	\$ 50.00/hr.
Plumbing Sub-Code Official	\$ 85,000
Plumbing Sub-Code Inspector	\$ 50.00/hr.
Electrical Sub-Code Official	\$ 85,000
Electrical Sub-Code Inspector	\$ 50.00/hr.
Housing Inspector Supervisor	\$ 85,000

Housing Inspector	\$ 60,000
Regulatory Manager	\$ 70,000
FINANCE DEPARTMENT	
Chief Financial Officer	\$130,000
Data Processing Coordinator	\$ 50,000
City Treasurer/Budget Officer	\$ 95,000
Receiver of Taxes	\$ 80,000
Tax Assessor	\$115,000
Deputy Tax Collector	\$ 65,000
Treasury Clerk	\$ 55,000
Financial Analyst/Accountant	\$ 75,000
Information Technology Manager	\$ 70,000
Payroll Analyst	\$ 75,000
Purchasing Assistant	\$ 50,000
PUBLIC WORKS DEPARTMENT	
Director of Public Works	\$130,000
Manager of Operations	\$ 95,000
Supervisor	\$ 90,000
POLICE DEPARTMENT	
Police Chief	\$220,000
Deputy Police Chief	\$205,000
Prosecutor/Assistant City Solicitor	\$ 65,000
Computer Records Analyst	\$ 50,000
LIBRARY	
Director	\$120,000
FIRE DEPARTMENT	
Fire Chief	\$190,000
Deputy Fire Chief	\$180,000
Fire Official (Part-time)	\$ 12,000
Fire Official (Full-time)	\$ 85,000
Fire Inspector	\$ 85,000
RECREATION DEPARTMENT	
Director of Recreation	\$ 90,000
Facilities Supervisor	\$ 55,000
Program Supervisor	\$ 85,000
Program Specialist	\$ 60,000
MUNICIPAL COURT	
Municipal Court Judge	\$ 85,000
Municipal Court Administrator	\$ 80,000
Deputy Court Administrator	\$ 50,000
Data Entry Clerk	\$ 50,000
Violations Clerk	\$ 50,000
Violations Clerk/Bi-Lingual	\$ 50,000
OTHER (Assigned to various Departments)	
Executive Assistant	\$ 65,000
Confidential Secretary	\$ 60,000
Administrative Assistant	\$ 75,000
Administrative Clerk	\$ 45,000
Clerk Typist	\$ 45,000
Bookkeeper	\$ 50,000
Temporary Position (b)	\$ 35.00/hr.

(a) The Maximum salary does not necessarily reflect the actual salary paid to an employee. The City Manager is hereby authorized to pay less than the maximum for any position.

(b) This includes crossing guards, recreation summer employees, after school aides, as well as other temporary employees.

PUBLIC HEARING:

Council President Algrant declared that the Public Hearing on this ordinance is now open. Anyone who desires to be heard or to ask questions concerning this ordinance will be heard at this time.

- Norman Gorlan, 150 Madison Ave:
 - Asked that a comparison be provide as to what the previous salary ordinance numbers were.

Council President Algrant closed the public hearing for this ordinance.

Councilman Forman made a motion that the Ordinance #15-11 be Adopted.

Councilman Cohen seconded the motion.

ROLL CALL:

Yes: Council Members Hamer, Cohen, Forman and Algrant

No: Council Member Skurnick

Council President Algrant declared the motion carried and the ordinance duly adopted, and that the ordinance be published once, by title only, in the Record.

At the request of the Council President, the City Manager read the title of the ordinance:

ORDINANCE #15-12

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

WHEREAS, on May 12, 2015, the City of Englewood, County of Bergen, New Jersey ("City") duly and finally adopted Bond Ordinance 15-03 ("Bond Ordinance"), authorizing the completion of various capital improvements and the acquisition of various capital equipment; and

WHEREAS, the City is desirous of amending Sections 7 and 9 of the Bond Ordinance to: (i) revise the amounts allocated for the purposes set forth in Section 7(A), (D) and (K); (ii) expand the purposes set forth in the Bond Ordinance to include improvements and renovations to the City's Fire Station; and (iii) recalculate the average period of useful life of the several purposes described in the Bond Ordinance, as amended.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Englewood, County of Bergen, New Jersey ("City") (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. Sections 7(A), (D) and (K) of the Bond Ordinance heretofore duly adopted by the City Council are hereby amended to provide as follows:

"Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Repaving and/or Milling of Various City Roads including, but not limited to, West Palisade Avenue, Beech Road and Belmont Street, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$2,021,000	\$101,050	\$1,919,950	10 years
D. Various Improvements to the City's Sanitary and Storm System including, but not limited to, Dredging of Miller's Pond and Improvements to Culverts, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	865,000	43,250	821,750	40 years

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
K Acquisition of Various Equipment for the Fire Department including, but not limited to, a Fire Engine and Vehicle Equipment, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$92,000	\$4,600	\$87,400	10 years
L. Improvements and Renovations to the City's Fire Station, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	1,359,000	67,950	1,291,050	20 years

Section 2. Section 9 of the Bond Ordinance is hereby amended to provide as follows:

"Section 9. The average period of useful life of the several purposes for the financing of which this bond ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purpose, is not less than 14.34 years. "

Section 3. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the regulations promulgated by the Local Finance Board showing full detail the amended capital budget and capital improvement program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, are on file with the City Clerk and available for public inspection.

Section 4. All other parts of the Bond Ordinance not amended hereby shall remain in full force and effect.

Section 5. In accordance with the Local Bond Law, this ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

PUBLIC HEARING:

Council President Algrant declared that the Public Hearing on this ordinance is now open. Anyone who desires to be heard or to ask questions concerning this ordinance will be heard at this time.

- Norman Gorlan, 150 Madison Ave:
 - Asked why Item L is included in the bond ordinance if the firehouse was fully bonded previously. Mr. Dacey explained that we are nearing the end of the construction of the firehouse. During the construction period they ran into environmental issues that had to be addressed and after negotiating a settlement with the contractor for a change order, they now have to pass this amendment to pay him. They are repurposing existing debt so that new debt is not incurred.

Council President Algrant closed the public hearing for this ordinance.

Councilman Hamer made a motion that the Ordinance #15-12 be Adopted.

Council President Algrant seconded the motion.

ROLL CALL:

Yes: Council Members Hamer, Cohen, Forman and Algrant

No: Council Member Skurnick

Council President Algrant declared the motion carried and the ordinance duly adopted, and that the ordinance be published once, by title only, in the Record.

At the request of the Council President, the City Manager read the title of the ordinance:

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

BE IT ORDAINED 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), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Englewood, County of Bergen, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$341,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$323,950; and
- (c) a down payment in the amount of \$17,050 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*.

Section 3. The sum of \$323,950, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$17,050, which amount represents the required down payment, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$323,950 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$323,950 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A. 40A:2-20*, shall not exceed the sum of \$65,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of available grants for each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition of radios and telecommunications equipment for the City's Fire Station, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$70,000	\$3,500	\$66,500	7 years

B. Acquisition of a new four wheel drive utility vehicle for the City's Fire Department, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	60,000	3,000	57,000	5 years
C. Various Renovations and Improvements to the City's Fire Station, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	211,000	10,550	200,450	20 years
Total	\$341,000	\$17,050	\$323,950	

Section 8. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 9. The average period of useful life of the several purposes for the financing of which this bond ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purpose, is not less than 14.69 years.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A. 40A:2-10*, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A. 40A:2-43*, is increased by this Bond Ordinance by \$323,950 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

PUBLIC HEARING:

Council President Algrant declared that the Public Hearing on this ordinance is now open. Anyone who desires to be heard or to ask questions concerning this ordinance will be heard at this time.

- Norman Gorlan, 150 Madison Ave:
 - Asked what Item C is for. Mr. Dacey explained that this is for radio and communications equipment.

Council President Algrant closed the public hearing for this ordinance.

Councilman Hamer made a motion that the Ordinance #15-13 be Adopted.

Councilman Forman seconded the motion.

ROLL CALL:

Yes: Council Members Hamer, Cohen, Forman and Algrant

No: Council Member Skurnick

Council President Algrant declared the motion carried and the ordinance duly adopted, and that the ordinance be published once, by title only, in the Record.

At the request of the Council President, the City Manager read the title of the ordinance:

ORDINANCE #15-14

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

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

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

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

WHEREAS, in response to a “Request For Qualifications/Request For Proposals” dated April 12, 2013 (“RFQ/RFP”), ENGLEWOOD BUILDERS URBAN RENEWAL, LLC, separately responded to the said RFQ/RFP and thereafter subsequently merged their respective development interests into the unified entity, ENGLEWOOD BUILDERS URBAN RENEWAL, LLC (hereinafter sometimes referred to as “the Redeveloper”), and negotiated a unified proposal with the City; and

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

WHEREAS, the parties formalized that commitment by a Redevelopment Agreement dated May 7, 2014, which provided for among other things the City and ENGLEWOOD BUILDERS URBAN RENEWAL, LLC entering into a Financial Agreement pursuant to N.J.S.A. 40A:20-1 et. seq. (“the Long Term Tax Exempt Law” or “LTTE”) permitting payments in lieu of taxes; and

WHEREAS, the Planning Board previously adopted final site plan approval for a 186 unit multifamily residential development; and

WHEREAS, ENGLEWOOD BUILDERS URBAN RENEWAL, LLC has applied to the City Council for tax exemption pursuant to the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et. seq. (the “Exemption Law”) with respect to the Project; and

WHEREAS, the City Council finds that the requested tax exemptions will benefit the City and its inhabitants by furthering the redevelopment of the property which had remained unused and vacant for many years, and that the benefits would substantially outweigh the costs, if any, associated with the tax exemptions; and

WHEREAS, as part of its application for a tax exemption annexed hereto is a form of Financial Agreement (the “Financial Agreement”) providing for payments in lieu of taxes; and

WHEREAS, ENGLEWOOD BUILDERS URBAN RENEWAL, LLC has presented to this body certain financial information, copies of which are attached as exhibits to the proposed Financial Agreement; and

WHEREAS, the City Council deems it to be in the best interest of the City to pass an Ordinance authorizing the City to enter into the proposed Financial Agreement with ENGLEWOOD BUILDERS URBAN RENEWAL, LLC on the terms and conditions stated in the form of Financial Agreement attached to this Ordinance;

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Englewood does hereby adopt the tax exemptions for ENGLEWOOD BUILDERS URBAN RENEWAL, LLC as follows:

1. The development of the Project is hereby approved for the grant of a tax exemption under the Exemption Law by virtue of, pursuant to, and in conformity with the provisions of the Exemption Law.
2. The City Manager is hereby authorized to execute the Financial Agreement with ENGLEWOOD BUILDERS URBAN RENEWAL, LLC in substantially the form attached hereto and subject to any further review, analysis or modifications that counsel may deem appropriate.
3. During the term of the tax exemption there shall be paid to the City in lieu of any taxes to be paid on the improvements of the Project, an annual service charge determined as provided in the Financial Agreement.
4. Counsel is authorized to prepare, and the City Manager is hereby authorized to execute, any additional documents that may be necessary to implement and carry out the intent of the Financial Agreement and Redevelopment Agreement.

PUBLIC HEARING:

Council President Algrant declared that the Public Hearing on this ordinance is now open. Anyone who desires to be heard or to ask questions concerning this ordinance will be heard at this time.

- No Public Comments.

Council President Algrant closed the public hearing for this ordinance.

Councilman Forman made a motion that the Ordinance #15-14 be Adopted.

Council President Algrant seconded the motion.

ROLL CALL:

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

Council President Algrant declared the motion carried and the ordinance duly adopted, and that the ordinance be published once, by title only, in the Record.

PUBLIC COMMENT ON AGENDA ITEMS:

- No one from the Public came forward to speak.

RESOLUTIONS-CONSENT AGENDA

- #225-11-24-15 Refunds due to State Tax Appeals
- #226-11-24-15 Refund of Tax Overpayment
- #227-11-24-15 Authorizing Award of Contract to Parkmobile, USA, Inc.
- #228-11-24-15 Authorize Budget Transfers for Budget Year 2015
- #229-11-24-15 Authorize Insertion of an Item of Revenue and an Offsetting Item of Appropriation in the 2015 Budget
- #230-11-24-15 Authorize Insertion of an Item of Revenue and an Offsetting Item of Appropriation in the 2015 Budget
- #231-11-24-15 Authorize Insertion of an Item of Revenue and an Offsetting Item of Appropriation in the 2015 Budget
- #232-11-24-15 Award Professional Services Contract to William Ward, Esq.
- #233-11-24-15 Resolution Approving Right-Of-Way Use to Cross River Fiber
- #234-11-24-15 Grantee Authorizing Resolution- Glenbrook Park Play Area Improvement Project Grant
- #235-11-24-15 Award Professional Services Contract to T&M Associates to Provide Engineering Services for Vincent Tibbs Center-Mold Remediation, Project No. 111538
- #236-11-24-15 Authorizing Award of Contract for Police Pistol Range Demolition and Remediation, City of Englewood, Bergen County, New Jersey

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 #232 and #236 be pulled from the Consent Agenda for separate vote.

A motion was made by **Council Member Hamer** and seconded by **Council Member Forman** to approve Resolutions #225 through #231 and #233 through #236.

ROLL CALL:

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

RESOLUTION #225-11-24-15: 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 \$12,834.72 for said years due to successful tax court judgments.

OWNER	Block & Lot	Address	Amount
Altman, Kenneth & Fran	1210 – 12.01	133 E Palisade Ave. #1	\$2,755.55 -2015
Nierenberg, Bashi	1210 – 12.06	133 E Palisade Ave #6	\$2,836.67 – 2015
Sniderman, Anita	1210 – 12.08	133 E Palisade Ave #8	\$2,806.25 – 2015
291 SVB LLC	2509 – 7.01	291 S Van Brunt Street	\$4,436.25 - 2015

RESOLUTION #226-11-24-15: REFUND OF TAX OVERPAYMENT

WHEREAS, it has been determined by the Tax Collector that the listed Block and Lots are entitled to a refund due to overpayments on property taxes;

WHEREAS, it is the desire of the City Council to have the overpayments 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 the property taxes in the amount of \$52,964.86 to the requesting parties.

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

1901 – 2	386 Walnut Street	Dwight Englewood School	\$13,310.00 – 2015
1901 – 3	396 Walnut Street	Dwight Englewood School	\$12,855.34 – 2015
1901 – 6	62 N Woodland St.	Dwight Englewood School	\$21,694.57 - 2015
1703 – 12	366 Lewelen Circle	McHowan Seth & Kathleen Hogan	\$726.61 - 2015
3304 - 10	290 Fountain Road	D’Alessio, Arthur	\$817.89 - 2015
2805 – 3	120 Huguenot Ave.	Sonneberg, Milton & Karen	\$3,560.45 - 2015

RESOLUTION #227-11-24-15: AUTHORIZING AWARD OF CONTRACT TO PARKMOBILE, USA, INC.

WHEREAS, the City of Englewood has been successfully utilizing Smartphone technology to offer pay by phone parking to Englewood visitors as an alternative method to pay for meter parking throughout the Downtown Shopping District since 2012; and

WHEREAS, Parkmobile USA, Inc. is the leading provider of this technology in the United States and is currently serving 320 cities located in twenty-eight (28) States. Consumers signed up for the service can utilize it to park in any town that has the Parkmobile USA system in place and their registered credit card is billed directly; and

WHEREAS, Parkmobile USA, Inc. provides a free mobile app to consumers who are interested in using the service as an alternative to paying with coins at parking meters and users are assessed a \$0.35 fee per transaction in addition to the parking meter charges only when they utilize the service. The addition of this system to the City’s parking meter does not require replacing or modifying the current parking meters but a sticker will be placed on each meter with the meter number along with a phone number to call to activate the service; and

WHEREAS, Parkmobile USA, Inc. provides this service at no cost to the City of Englewood, and shall not charge the City of Englewood any costs for the integration of its system(s) or for the management of the project and the Services; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the City Manager is hereby authorized to execute the renewal of a three-year (3) agreement as outlined in the contract in a form acceptable to the City Manager between the City of Englewood and Parkmobile USA, Inc. for the Pay By Phone Parking System in accordance with the specifications therefore.

RESOLUTION #228-11-24-15: 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>
STORMWATER O/CAP	5-01-26-501-XXX		\$125,000.00
PD-S&W	5-01-25-240-XXX		\$0.00
INSURANCE	5-01-23-210-XXX		\$0.00
FINANCE- S&W	5-01-20-130-XXX		\$0.00
BCUA-SEWER	5-01-331-455-XXX	\$125,000.00	
LEGAL	5-01-20-155-XXX	\$0.00	
ENG	5-01-20-165-XXX	\$0.00	
CODE	5-01-22-195-XXX	\$0.00	
TERM LEAVE	5-01-27-350-XXX	\$0.00	
PFRS	5-01-36-475-XXX	\$0.00	
SOC SEC	5-01-36-472-XXX	\$0.00	
		S/T \$125,000.00	\$125,000.00

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 2015. This resolution transfers funds from the accounts that have too much money to the ones that need money.

RESOLUTION #229-11-24-15: AUTHORIZE INSERTION OF AN ITEM OF REVENUE AND AN OFFSETTING ITEM OF APPROPRIATION IN THE 2015 BUDGET

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of a municipality when such item was made available by law and amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the City of Englewood has received notice of grant awards from various State of New Jersey and Bergen County agencies and wishes to amend the 2015 budget to include this amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the total sum of \$50,190.01, which is now available as revenue from:

Miscellaneous Revenues
Special Items of General Revenues Anticipated with Prior Written
Consent of the Director of the Division of Local Government Services:
Revenues:
2015 Clean Communities Grant \$50,190.01

BE IT FURTHER RESOLVED that a like sum of \$50,190.01 is hereby appropriated under the caption of:

General Appropriations
Operations Excluded from CAPS
2015 Clean Communities Grant \$50,190.01

BE IT FURTHER RESOLVED that the City Clerk is authorized to forward two certified copies of this resolution to the Director of Local Government Services for approval.

RESOLUTION #230-11-24-15: AUTHORIZE INSERTION OF AN ITEM OF REVENUE AND AN OFFSETTING ITEM OF APPROPRIATION IN THE 2015 BUDGET

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of a municipality when such item was made available by law and amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the City of Englewood has received notice of grant awards from various State of New Jersey and Bergen County agencies and wishes to amend the 2015 budget to include this amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the total sum of \$7,572.31, which is now available as revenue from:

Miscellaneous Revenues
Special Items of General Revenues Anticipated with Prior Written
Consent of the Director of the Division of Local Government Services:
Revenues:
2015 Body Armor Replacement Grant \$7,572.31

BE IT FURTHER RESOLVED that a like sum of \$7,572.31 is hereby appropriated under the caption of:

General Appropriations
Operations Excluded from CAPS
2015 Body Armor Replacement Grant \$7,572.31

BE IT FURTHER RESOLVED that the City Clerk is authorized to forward two certified copies of this resolution to the Director of Local Government Services for approval.

RESOLUTION #231-11-24-15: AUTHORIZE INSERTION OF AN ITEM OF REVENUE AND AN OFFSETTING ITEM OF APPROPRIATION IN THE 2015 BUDGET

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of a municipality when such item was made available by law and amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the City of Englewood has received notice of grant awards from various State of New Jersey and Bergen County agencies and wishes to amend the 2015 budget to include this amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the total sum of \$20,590.00, which is now available as revenue from:

Miscellaneous Revenues
Special Items of General Revenues Anticipated with Prior Written
Consent of the Director of the Division of Local Government Services:
Revenues:
Historic Preservation Grant- Mackay Gate House \$20,590.00

BE IT FURTHER RESOLVED that a like sum of \$20,590.00 is hereby appropriated under the caption of:

General Appropriations
Operations Excluded from CAPS
Historic Preservation Grant- Mackay Gate House \$20,590.00

BE IT FURTHER RESOLVED that the City Clerk is authorized to forward two certified copies of this resolution to the Director of Local Government Services for approval.

RESOLUTION #233-11-24-15: RESOLUTION APPROVING RIGHT-OF-WAY USE TO CROSS RIVER FIBER

WHEREAS, Cross River Fiber LLC ("Cross River Fiber"), seeks to place its telecommunication facilities aerially on existing utility poles or in an underground conduit in the Public Rights-of-Way within the City of Englewood for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State; and

WHEREAS, N.J.S.A. 48:3-19 requires Cross River Fiber to obtain the consent of the City of Englewood for the joint use of any existing utility poles; and

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

WHEREAS, it is in the best interests of the City of Englewood and its citizens to grant consent to Cross River Fiber; and

WHEREAS, the consent granted is for the non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the attached Use Agreement with Cross River Fiber.

NOW THEREFORE BE IT RESOLVED, by the City Council of City of Englewood, that City of Englewood is hereby authorized to grant Cross River Fiber a non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating repairing and maintaining a telecommunications system; and

BE IT FURTHER RESOLVED, that the City Manager and City Clerk are hereby authorized to execute any and all documents necessary to effectuate this Resolution.

**RESOLUTION #234-11-24-15: GRANTEE AUTHORIZING RESOLUTION-
GLENBROOK PARK PLAY AREA IMPROVEMENT PROJECT GRANT**

BE IT RESOLVED, that the Mayor and Council of the City of Englewood wish to enter into a Bergen County Trust Fund Project Contract (“Contract”) with the County of Bergen for the purpose of using a \$11,000.00 matching grant award from the 2014 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the municipal park project entitled “Glenbrook Park Play Area Improvement” located in Glenbrook Park at Howell Road and Glenbrook Parkway, Block 305, Lot 3 on the tax maps of the City of Englewood ; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Timothy Dacey, City Manager to be a signatory to the aforesaid Contract; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about July 15, 2017; and

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund’s requirements; and

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund’s requirements.

RESOLUTION #235-11-24-15: AWARD PROFESSIONAL SERVICES CONTRACT TO T&M ASSOCIATES TO PROVIDE ENGINEERING SERVICES FOR VINCENT TIBBS CENTER-MOLD REMEDIATION, PROJECT NO. 111538

WHEREAS, the City of Englewood has the need for Engineering Services for the Vincent Tibbs Center- Mold Remediation, Project No. 111538; and

WHEREAS, the scope of work as outlined in the attached proposal dated November 5, 2015 includes the following:

- Prepare a complete set of Plans, Specs and Bid Documents for the project.
- Prepare a remediation 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 to ensure conformance with the specifications.
- To 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 NJ.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 November 5, 2015, is not to exceed \$12,400.00; 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 #04-13(F), capital account C-04-13-006-000-006 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 Vincent Tibbs Center- Mold Remediation, Project No. 111538; 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.

RESOLUTIONS – NON-CONSENT AGENDA

RESOLUTION #232-11-24-15: AWARD PROFESSIONAL SERVICES CONTRACT TO WILLIAM WARD, ESQ.

WHEREAS, the City of Englewood has the need to hire William Ward, Esq. to act as Special Counsel; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Englewood, that William Ward, Esq. is hereby hired as Special Counsel at an hourly rate of \$290 for all services rendered plus disbursements and costs at a total cost not to exceed the sum of \$29,000.

A motion to approve Resolution #232 was made by **Council Member Hamer** and seconded by **Council President Algrant**.

Mayor and Council comments on Resolution #232:

- Mr. Cohen spoke against the hiring of an attorney who specializes in eminent domain.
- Mr. Skurnick also spoke of his opposition to this process.

ROLL CALL:

Yes: Council Members Hamer, Forman and Algrant

No: Council Members Cohen and Skurnick

RESOLUTION #236-11-24-15: AUTHORIZING AWARD OF CONTRACT FOR POLICE PISTOL RANGE DEMOLITION AND REMEDIATION, CITY OF ENGLEWOOD, BERGEN COUNTY, NEW JERSEY

WHEREAS, sealed bids were received previously received on September 1, 2015 for the Police Pistol Range Demolition and Remediation, City of Englewood, Bergen County, New Jersey in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and bids were received from four (4) bidders, and at the time the project was awarded via Resolution # 179-09-08-15 to Joseph Hamilton Construction, located at 86 Porete Avenue, North Arlington, New Jersey 07031. The low bidders withdrew their bids due to

insufficient data in the specifications, which then were corrected and the project was rebid; and

WHEREAS, sealed bids were received on November 5, 2015 for the Police Pistol Range Demolition and Remediation, City of Englewood, Bergen County, New Jersey in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids were received from twelve (12) bidders listed on the attached Bid Summary Sheet; and

WHEREAS, the three (3) lowest bids were disqualified due to discrepancies in their Pricing as per attached recommendation by Boswell Engineering which was reviewed and approved by the City Attorney and the project is being awarded to the fourth low bidder; and

WHEREAS, the bid submitted by Cipriano Enterprises, Inc., 74 Ethel Avenue, Hawthorne, New Jersey 07506 for the sum of \$222,349.20 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 #14-16(7), capital account C-04-14-016-000-007 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 Cipriano Enterprises, 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 Cipriano Enterprises, Inc., for the Police Pistol Range Demolition and Remediation, City of Englewood, Bergen County, New Jersey 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.

A motion to approve Resolution #236 was made by **Council Member Hamer** and seconded by **Council President Algrant**.

Mayor and Council comments on Resolution #236:

- Mr. Skurnick also spoke of his displeasure with RFP process.

ROLL CALL:

Yes: Council Members Hamer, Cohen, Forman and Algrant

No: Council Member Skurnick

PUBLIC SESSION:

Council President Algrant opened the meeting to the public and instructed that any member wishing to speak to step up to the microphone and give their name and address, and have five minutes to speak.

- Jo Arslanian, 393 North Woodland Avenue:
 - Spoke about her concerns with the on-going construction at 401 Woodland Avenue and the impact on her quality of life.
- Jack Silberman, 320 Murray Avenue:
 - Spoke about the Palisades Avenue bump-outs being a great idea.
 - Asked that the meetings be video and audio recorded and that those recordings be placed on the City website.
 - Asked if there are any updates from the Environmental Commission regarding the possibility of solar lighting at Herring Park.
 - Spoke about landscapers placing large piles of leaves out in the streets a few weeks early.

Council President Algrant closed the Public Session.

CLOSED SESSION

RESOLUTION #237-11-24-15: 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 Matter

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.
- () 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 Hamer** seconded by **Council Member Skurnick** to approve.

ROLL CALL:

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

ADJOURN:

Meeting was adjourned at 10:00pm.

Timothy Dacey, City Manager