

City of Englewood
City Council Workshop
Meeting Minutes

December 08, 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
City Attorney William Bailey
City Manager Timothy Dacey
Deputy City Clerk Yancy Wazirmas

Absent: Mayor Frank Huttler III
City Clerk Lauren Vande Vaarst

Council President Algrant called the meeting to order at 7:37pm and then led the Pledge of Allegiance.

OPEN PUBLIC MEETINGS ACT: The Deputy City Clerk 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 – PUBLIC HEARING/SECOND READING:

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

ORDINANCE #15-15

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

WHEREAS, pursuant to N.J.S.A. 54:4-3.30, the dwelling house and the lot whereupon the same is erected, of any citizen and resident of this State, honorably discharged from active service, in time of war, in any branch of the Armed Forces of the United States, who has been declared by the United States Veterans Administration or its successor to have a service-connected disability declared by the United States Veterans Administration or its successor to be 100% and totally disabled, sustained through enemy action, or accident, or resulting from disease contracted while in active service, shall be exempt from taxation on proper claim made therefore; and

WHEREAS, pursuant to N.J.S.A. 54:3-3.31, upon review and approval of the required documentation by the City Tax Assessor, the assessor shall allow said exemption from taxation; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.32, the Governing Body of each municipality, by appropriate resolution, may return all taxes on property from prior years which would have been exempt had proper claim been made in writing; and

WHEREAS, pursuant to Del Priore v. Edison Tp., 2012 WL 2384250 (L. 2012), a municipality has discretion to grant or deny a taxpayer a retroactive refund of property taxes that has been paid from the effective date of the disability as determined by the United States Department of Veteran Affairs as set forth in N.J.S.A. 54:4-3.32; and

WHEREAS, the City of Englewood desires to establish a formal policy providing that a retroactive refund of property taxes as set forth in N.J.S.A. 54:4-3.32 shall be limited to the current year of submission of a proper claim to the tax assessor as required by N.J.S.A. 54:4-3.30 and the prior year, but in no event greater than a twelve month period in the aggregate.

IT IS HEREBY ORDAINED by the Governing Body of the City of Englewood, County of Bergen, State of New Jersey as follows:

Section I. Chapter 3, Tax Assessor, of the Code of the City of Englewood is supplemented with the addition of Section D, 100% Disabled Veteran Tax Refund, which shall read as follows:

§ 3-25(D). 100% DISABLED VETERAN TAX REFUNDS.

A retroactive refund of property taxes as set forth in N.J.S.A. 54:4-3.32 shall be limited to the current year of the submission of a proper claim to the tax assessor as required by N.J.S.A. 54:4-3.30 and the prior year but in no event greater than a twelve month period in the aggregate.

Section II. The City Tax Assessor, together with all other appropriate officers and employees, are hereby authorized and directed to take any and all steps necessary to effectuate the purpose of the this Ordinance.

Section III. All Ordinances of the City of Englewood which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

Section IV. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

Section V. This Ordinance shall take effect immediately upon final passage, approval and publication by law.

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 Comment.

Council President Algrant closed the public hearing for this ordinance.

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

Councilman Hamer seconded the motion.

ROLL CALL:

Yes: Council Members Hamer, Forman, Skurnick and Algrant
(Councilman Cohen is Absent for this portion)

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 CONSENT AGENDA ITEMS

- Eugene Clements, 206 Central Ave: recommended that the meeting agendas be translated into Spanish to have more public participation.

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 #238 be pulled from the Consent Agenda and be placed on the next agenda.

A motion was made by Council Member Hamer and seconded by Council Member Forman to approve Resolutions #239 through #248.

ROLL CALL:

Yes: Council Members Hamer, Forman, Skurnick and Algrant
(Councilman Cohen is Absent for this portion)

RESOLUTION #239-12-08-15: PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been filed for a Person-to-Person Transfer of a Plenary Retail Consumption License Number 0215-33-014-006, heretofore issued to AWJ Inc., t/a Solaia, located at 22-24 North Van Brunt Street, Englewood, New Jersey 07631; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood does hereby approve, effective December 8, 2015, the Person-to-Person Transfer of the aforesaid Plenary Retail Consumption License to Bistro Capri LLC, t/a Bistro Capri located at 22-24 North Van Brunt Street, Englewood, NJ 07631 and does hereby direct the City Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Bistro Capri, LLC effective December 8, 2015."

RESOLUTION #240-12-08-15: STATE CONTRACT PURCHASE FOR SELF-CONTAINED BREATHING APPARATUS FACE MASKS FOR THE ENGLEWOOD FIRE DEPARTMENT

WHEREAS, the City of Englewood Fire Department has a need for Self-Contained Breathing Apparatus Face Masks for the Englewood Fire Department ; and

WHEREAS, the City of Englewood is a participant in the State Cooperative Purchase program and intends to purchase this equipment through this program; and

WHEREAS, funds are available for this purchase from Ordinance #15-03 (K), capital account C-04-15-003-000-011 and the Chief Financial Officer has certified that sufficient funds are available to award this contract.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the City Manager is authorized to enter into a contract for the purchase of the items on the attached list from AAA Emergency Supply located at 635 North Broadway, White Plains, New York 10603 under State Contract A80961 for a total not to exceed \$55,849.50 after trade in of old masks.

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.

RESOLUTION #241-12-08-15: AUTHORIZE STATE CONTRACT PURCHASE OF VEHICLE FOR FIRE DEPARTMENT

WHEREAS, vehicles for use by the fire department have been bid by the State of New Jersey under its Cooperative Purchasing Program; and

WHEREAS, the City of Englewood is a participant in the State Cooperative Purchase program and has the requirement for one (1) vehicle; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Capital Bond Ordinance #15-13(B), capital account C-04-15-013-000-002 to award this contract.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Englewood, Bergen County, New Jersey, that the City Manager is authorized to enter into a contract with Beyer Ford, 170 Ridgedale Ave., Morristown, NJ under State Contract #A88730 for the purchase of one (1) 2016 Ford Expedition SSV 4x4 Vehicle for a contract price of \$33,025.00 and with Regional Communications, Inc. 64 East Midland Avenue, Paramus, NJ the purchase of 2016 Ford Expedition Lighting Package for a price of \$13,347.00 and for the purchase of Command Console and Radio under Motorola Solutions, Inc. State Contract #83909 for a contract price of \$9,217.25 for total cost of \$55,589.25.

RESOLUTION #242-12-08-15: AUTHORIZING AWARD OF CONTRACT FOR AN XTENDED RANGE SINGLE CHANNEL TRANSMITTER/ RECEIVER SYSTEM FOR THE ENGLEWOOD FIRE DEPARTMENT

WHEREAS, a quotation was obtained for an Xtended Range Single Channel Transmitter/ Receiver System for the Englewood Fire Department in accordance with specifications therefore; and

WHEREAS, specifications were sent and a quotation was received from one (1) vendor for this proprietary equipment; and

WHEREAS, the quotation submitted by Signal Control Products, Inc. located at 199 Evans Way, Branchburg, New Jersey 08876 for the sum of \$3,995.00 was determined to be in compliance with the specifications; and based upon the recommendation of the Fire Chief, can be accepted by the City Council; and

WHEREAS, funds are available for this purchase from Ordinance #15-13 (C), capital account C-04-15-013-000-003 and the Chief Financial Officer has certified that sufficient funds are available to award this contract.

WHEREAS, this bid is being awarded pursuant to NJ.S.A.19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by Signal Control Products, 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 Signal Control Products, Inc. for the Xtended Range Single Channel Transmitter/ Receiver System in accordance with the specifications therefore.

RESOLUTION #243-12-08-15: AUTHORIZE AGREEMENT WITH BERGEN COUNTY FOR EMPLOYEE ASSISTANCE PROGRAM (EAP)

WHEREAS, the City of Englewood is desirous of contracting for the Employee Assistance Program (EAP) with the County of Bergen; and

WHEREAS, the County of Bergen has proposed to furnish the Employee Assistance Program (EAP) to the City of Englewood; and

WHEREAS, the City Council, pursuant to the provisions of Section 67-6 of Article II of Chapter 67 of the Code of the City of Englewood, has heretofore authorized the execution of cooperative agreements with the County of Bergen; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to award this contract;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Englewood, Bergen County, New Jersey, that the City Manager is hereby authorized to execute an agreement between the City of Englewood and the County of Bergen for the Employee Assistance Program (EAP) for five (5) years beginning January 1, 2016 through December 31, 2020.

RESOLUTION #244-12-08-15: AUTHORIZE AGREEMENT WITH BERGEN COUNTY FOR ANIMAL CONTROL SERVICES

WHEREAS, the City of Englewood is desirous of contracting for Animal Control Services with the County of Bergen; and

WHEREAS, the County of Bergen has proposed to furnish Animal Control Services and to the City of Englewood; and

WHEREAS, the City Council, pursuant to the provisions of Section 67-6 of Article II of Chapter 67 of the Code of the City of Englewood, has heretofore authorized the execution of cooperative agreements with the County of Bergen; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to award this contract;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Englewood, Bergen County, New Jersey, that the City Manager is hereby authorized to execute an agreement between the City of Englewood and the County of Bergen for Animal Control Services for five (5) years beginning January 1, 2016 through December 31, 2020.

RESOLUTION #245-12-08-15: MUNICIPAL ALLIANCE GRANT – FY 2017

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The City Council of the City of Englewood, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the City Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the City Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED by the City of Englewood County of Bergen, State of New Jersey hereby recognizes the following:

1. The City Council does hereby authorize submission of a strategic plan for the Englewood Municipal Alliance grant for fiscal year 2017 in the amount of:

DEDR	\$ 15,279.00
Cash Match	\$ 3,819.00
In-Kind	\$ 11,459.00
2. The City Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

RESOLUTION #246-12-08-15: 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 \$5,181.39 for said years due to successful tax court judgments.

OWNER	Block & Lot	Address	Amount
Benaroya, Jacob & Meital	2702 – 3.09	18 Sutton Place	\$772.82 – 2013 \$784.37 – 2014 \$790.92 – 2015
Gordon Realty	2906 – 26.01	363 Grand Ave.	\$2,514.00 – 2014
S. Jose & Miriam Fishman	1101-10	140 Glenwood Road	\$319.28 – 2014

ITEMS FOR DISCUSSION:

- None

PUBLIC SESSION:

- Charles Cobb, 113 Marilyn Ct:
 - asked how the free parking for the holiday season affect the parking garage. Mr. Dacey explained that the free parking is for metered parking only.
- Eugene Clements, 206 Central Ave:
 - asked what services are provided in the Animal Control Agreement per Resolution No. 244. Mr. Dacey explained.
- Esther Babb, 213 Second Street:
 - Stated that she is happy about the community gardens
 - Asked that a sign for “Children at Play” be place on Tenafly Road
 - Spoke in favor of a community center but expressed her opinion that the current suggested building is not worth the \$4 million purchase price.

CLOSED SESSION:

RESOLUTION #249-12-08-15: 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 President Algrant** seconded by **Council Member Hamer** to approve.

ROLL CALL:

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

ADJOURN:

Motion by **Council Member Hamer** seconded by **Council Member Forman** to adjourn at 8:20pm.

ROLL CALL:

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

Yancy Wazirmas, RMC
Deputy City Clerk