

**City of Englewood**  
**City Council Meeting Minutes**  
**May 24, 2016**

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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 Wayne Hamer  
Council Member Charles Cobb  
Council Member Michael Cohen  
Council Member Marc Forman  
Council Member Eugene Skurnick  
Mayor Frank Huttie III  
City Attorney William Bailey  
City Manager Timothy Dacey  
City Clerk Yancy Wazirmas

Absent: None

Council President Hamer called the meeting to order at 7:33pm and then led the Pledge of Allegiance.

**OPEN PUBLIC MEETINGS ACT:** The 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 5, 2016, posted on the bulletin board at City Hall, distributed to The Record, and filed in the office of the City Clerk.*

#### **APPROVAL OF MINUTES**

#### **RESOLUTION #114-05-24-16: RESOLUTION ACCEPTING MINUTES**

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

COUNCIL MEETINGS  
April 19, 2016

COUNCIL WORKSHOP MEETINGS  
April 5, 2016

Motion by **Councilman Forman** seconded by **Councilman Cobb** to approve the Minutes.

#### **ROLL CALL:**

**Yes:** Council Members Cobb, Cohen, Forman, Skurnick and Hamer

#### **BILLS AND CLAIMS**

#### **RESOLUTION #115-05-24-16: 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 \$3,013,394.12.

Motion by **Councilman Forman** seconded by **Councilman Cobb** to approve the Bills and Claims.

**ROLL CALL:**

**Yes:** Council Members Cobb, Cohen, Forman, Skurnick and Hamer

**PRESENTATION**

- Englewood Recreation's 2016 Spring Camp for 2<sup>nd</sup> Place Win in the Overpeck Park Earthfest Regatta

**RESOLUTION #125-05-24-16: RESOLUTION HONORING ENGLEWOOD RECREATION'S 2016 SPRING CAMP FOR 2<sup>ND</sup> PLACE WIN IN THE OVERPECK PARK EARTHFEST REGATTA**

**WHEREAS**, Hackensack Riverkeeper, North Jersey's Leading Clean Water Advocate, in partnership with the Bergen County Parks Department held their Recycled Regatta on Saturday, May 14, 2016 as part of the 3<sup>rd</sup> Annual Earthfest celebration in Overpeck County Park. Hackensack Riverkeeper invited people of all ages to come up with imaginative ways to turn household waste into life-sized racing vessels. The purpose of the event was to celebrate the beauty of our Earth, the importance of clean water, and a healthy environment; and

**WHEREAS**, the Englewood Recreation's 2016 Spring Camp, comprised of one hundred thirty six (136) campers ranging in age from five to fourteen (5-14) accepted the Hackensack Riverkeeper's challenge and tackled various aspects of the project.

- Campers five to six (5-6) years old crafted paddles out of wiffle bats and milk gallon jugs to propel the vessel;
- Campers seven to eight (7-8) years old sorted an array of bottles to determine which sizes and shapes would be used to build the hull;
- Campers nine to ten (9-10) years old generated design plans and tested the various methods of binding the bottles to determine durability;
- Campers eleven to fourteen (11-14) years old researched additional materials needed to assemble and customize the boat design and keep it afloat; and

**WHEREAS**, building the boat became more of a community effort when the Department of Public Works brought new caps for the five gallon jugs along with old plywood and permitted the Park Rangers to join them on Recycling Collection Days to collect bottles; and

**WHEREAS**, the vessel christened "Englewood Recreation" paddled by Recreation Director Merle Simons with her 12 year old nephew and camper, Nyhiem Jones came in Second Place at the 2016 Recycled Regatta;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Englewood, County of Bergen, hereby applaud the collaborate efforts of the camp participants and congratulate them for their spectacular 2<sup>nd</sup> Place Win.

Motion by **Councilman Cobb** seconded by **Councilman Forman** to approve Resolution #125.

**ROLL CALL:**

**Yes:** Council Members Cobb, Cohen, Forman, Skurnick and Hamer

**ORDINANCES – PUBLIC HEARING/SECOND READING:**

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

**ORDINANCE #16-07**

**BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS EQUIPMENT AND COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY OF ENGLEWOOD, COUNTY OF BERGEN, NEW JERSEY; APPROPRIATING THE SUM OF \$9,859,017 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 \$9,366,066 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 \$9,859,017;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$9,366,066; and
- (c) a down payment in the amount of \$492,951 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 \$9,366,066, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$492,951, 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 \$9,366,066 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 \$9,366,066 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 \$1,900,000.

**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>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, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, as further described in information on file and available during normal business hours in the offices of the City Engineer	\$1,419,000	\$70,950	\$1,348,050	10 years
B. Reconstruction of Various City Roads and Sidewalks, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, as further described in information on file and available during normal business hours in the offices of the City Engineer	1,025,000	51,250	973,750	10 years

C.	Various Improvements to the City's Sanitary and Storm System including, but not limited to, Drainage and Channel Wall Improvements, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	1,334,000	66,700	1,267,300	40 years
D.	Various Improvements to the City Parks including, but not limited to, Lighting Improvements, Field and Court Repairs and Improvements and Replacement of Playground Equipment and Park Amenities, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$672,500	\$33,625	\$638,875	15 years
E.	Various Improvements to City Library including, but not limited to, Chiller Enclosure, HVAC Improvements and Bathroom Renovations, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	249,700	12,485	237,215	15 years
F.	Completion of Firehouse Construction, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	1,071,500	53,575	1,017,925	20 years
G.	Various Improvements to Public Facilities, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	165,000	8,250	156,750	15 years
H.	Environmental Remediation for Police Department Facilities, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	100,000	5,000	95,000	5 years
I.	Acquisition and Installation of City Traffic Signals, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	1,660,000	83,000	1,577,000	5 years
J.	Acquisition of Vehicles for the Code Enforcement Department, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	30,000	1,500	28,500	5 Years
K.	Acquisition of Various Equipment for the Department of Public Works including, but not limited to, Computer Hardware and Garbage Cans, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	480,000	24,000	456,000	5 years
L.	Acquisition of Various Machinery for the Department of Public Works including, but not limited to, a Street Sweeper, Salt Brine System and Two (2) Sanitation Trucks, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	1,130,000	56,500	1,073,500	10 years
M.	Acquisition of In-Vehicle Video Systems for the Police 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

N. Acquisition of Various Equipment for the Police Department including, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$137,500	\$6,875	\$130,625	10 years
O. Acquisition of Various Equipment for the Fire Department, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	324,817	16,241	308,576	5 years
<b>Total</b>	<b>\$9,859,017</b>	<b>\$492,951</b>	<b>\$9,366,066</b>	

**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 14.351 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 \$9,366,066 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 Hamer 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 Hamer closed the public hearing for this ordinance.

**Councilman Forman** made a motion that the Ordinance #16-07 be Adopted.

**Councilman Skurnick** seconded the motion.

**ROLL CALL:**

**Yes:** Council Members Cobb, Cohen, Forman, Skurnick and Hamer

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

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**ORDINANCE #16-08**

**AN ORDINANCE AMENDING CHAPTER 410 OF THE CODE OF THE CITY OF ENGLEWOOD TO PROVIDE STANDARDS, REGULATIONS AND RATES FOR THE TOWING AND STORING OF MOTOR VEHICLES PURSUANT TO N.J.S.A. 40:48-2.50**

Motion by **Councilman Skurnick** seconded by **Councilman Cobb** to abandon Ordinance No. 16-08.

**ROLL CALL:**

**Yes:** Council Members Cobb, Cohen, Forman, Skurnick and Hamer

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

**ORDINANCE #16-09**

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 25-20 SCHEDULE XII OF THE TRAFFIC AND PARKING ORDINANCE OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD**

**WHEREAS**, Chapter 25, Section 25-20 Schedule XII restricts the parking of vehicles between the hours specified upon any of the following described streets or parts of streets within the City of Englewood on the dates indicated; and

**WHEREAS**, the Governing Body of the City of Englewood wishes to amend the aforesaid Section to modify limitations on parking in designated areas.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Englewood, Bergen County, New Jersey, that Chapter 25-20, Schedule XII is hereby amended as follows:

Prospect Street	East	7AM-12PM	Mondays	Entire Length
Prospect Street	West	7AM-12PM	Tuesdays	Entire Length
Glenbrook Parkway	East	7AM-12PM	Fridays	Entire Length
Glenbrook Parkway	West	7AM-12PM	Thursdays	Entire Length

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

**PUBLIC HEARING:**

Council President Hamer 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 Hamer closed the public hearing for this ordinance.

**Councilman Skurnick** made a motion that the Ordinance #16-09 be Adopted.

**Council President Hamer** seconded the motion.

**ROLL CALL:**

**Yes:** Council Members Cobb, Cohen, Forman, Skurnick and Hamer

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

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**ORDINANCES – INTRODUCTION/FIRST READING:**

- None

**PUBLIC COMMENT ON AGENDA ITEMS:**

Council President Hamer opened the meeting for public comments on the Consent Agenda Resolutions.

- No Public Comments.

Council President Hamer closed the public comment section on the Consent Agenda.

**RESOLUTIONS-CONSENT AGENDA**

- #116-05-24-16 Award of Contract for Pool Management Services for Tryon Pool
- #117-05-24-16 Appointment of Alternate Commissioner to the Garden State Municipal Joint Insurance Fund Board
- #118-05-24-16 Refund of Tax Overpayment, Block 304, Lot 39
- #119-05-24-16 Refunds Due to State Tax Appeals
- #120-05-24-16 Award a Professional Services Agreement with Jersey Professional Management for Temporary Acting Chief Financial Officer and Management Consultant Services
- #121-05-24-16 Authorizing Award of Contract for 2016 Road Improvement Program (Milling & Paving), Project Number ENGL-00220
- #122-05-24-16 Authorizing Award of Contract for East Palisade Avenue Improvements: Project Number ENGL-00280
- #123-05-24-16 Authorizing Award of Contract for Epps Avenue Improvements: Project Number ENGL-00270
- #124-05-24-16 Resolution Honoring Beverly J. Mitchell
- #126-05-24-16 Authorize the Approval of Change Orders with Dobtol Construction, LLC

Council President Hamer asked if any members of the Council wished to have any resolutions pulled off the Consent Agenda to be voted on separately. Councilman Skurnick requested that Resolution #120 be pulled from the Consent for separate vote.

A motion was made by **Councilman Cobb** and seconded by **Councilman Forman** to approve the Consent Agenda Resolutions #116-119, #121-124 and #126.

**ROLL CALL:**

**Yes:** Council Members Cobb, Cohen, Forman, Skurnick and Hamer

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**RESOLUTION #116-05-24-16: AWARD OF CONTRACT FOR POOL MANAGEMENT SERVICES FOR TRYON POOL**

**WHEREAS**, the City of Englewood requires the services of a qualified person(s) and/or firms to provide Pool Management Services for the Tryon Pool; and

**WHEREAS**, the City issued a Request for Proposals for the Provision of Services – Pool Management Services for Tryon Pool; and

**WHEREAS**, on the recommendation of the City Manager and the Recreation Director, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to the YWCA Bergen County with offices located at 112 Oak Street, Ridgewood, NJ 07450 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 that the value of this contract will not exceed \$53,000 in the 2016 operating season and \$53,000 in the 2017 operating season and the scope of services will include:

- Provision of one (1) Pool Manager to be on duty during all open hours (Sunday through Thursday from 1:00PM – 6:00PM and Friday and Saturday from 1:00PM – 8:00PM) of the facility to supervise staff, address all pool and member issues, schedule staff and keep the City of Englewood informed throughout the contracted dates.
- Provision of six (6) certified American Red Cross lifeguards with current certifications on duty daily from June 22, 2016 through September 5, 2016.
- Assist the Recreation Department in the operation of Tryon Pool Main, Wading Pool and Sprinkler in compliance with Englewood Board of Health and State standards and requirements as related to pool maintenance and usage; as well as maintaining the personal safety of all participants and visitors.; and

**WHEREAS**, the firm has completed and submitted 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**, the Chief Financial Officer has certified that sufficient funds are available to award this contract and a copy of said certification is on file in the office of the City Clerk.

**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 the YWCA Bergen County to provide Pool Management Services for Tryon Pool for the 2016 and 2017 operating seasons, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and the YWCA of Bergen County.

**BE IT FURTHER RESOLVED**, that a copy of the within resolution, together with a copy of the Agreement and that the Business Entity Disclosure 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.

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**RESOLUTION #117-05-24-16: APPOINTMENT OF ALTERNATE COMMISSIONER TO THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND BOARD**

**WHEREAS**, the City of Englewood is a member of the Garden State Municipal Joint Insurance Fund; and

**WHEREAS**, it is required for the City of Englewood to have representation on the Board of Commissioners.

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

1. Wendy Wiebalk is hereby appointed as Alternate Fund Commissioner representing the City of Englewood on the Garden State Municipal Joint Insurance Fund Board of Commissioners.

**RESOLUTION #118-05-24-16: REFUND OF TAX OVERPAYMENT FOR BLOCK 304 LOT 39**

**WHEREAS**, it has been determined by the Tax Collector that Block 304, Lot 39 (345 Liberty Road) is entitled to a tax overpayment refund;

**WHEREAS**, it is the desire of the City Council to have this overpayment 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 property taxes in the amount of \$2,797.38 to Louis Newkirk, C/O C. Boyd Cote, PC, 55 Harristown Road, Suite 205, Glen Rock, NJ 07452.

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

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**RESOLUTION #119-05-24-16: 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 \$20,523.96 for said years due to successful tax court judgments.

<b>OWNER</b>	<b>Block &amp; Lot</b>	<b>Address</b>	<b>Amount</b>
Harry Sadel	2505-4	75 W Forest Ave	\$2,532.80 – 2010 \$2,365.00 – 2012 \$1,257.00 - 2014
Flatrock 3 LLC	2605-2.03-C0216	2216 Riverview Ave.	\$946.40 - 2012
Flatrock 3 LLC	2605-2.03-C0425	4425 Riverview Ave.	\$4,677.38 - 2012
Flatrock 3 LLC	2605-2.03-C0421	4421 Riverview Ave.	\$946.40 - 2012
Flatrock 3 LLC	2605-2.03-C0417	4417 Riverview Ave.	\$757.58 - 2012
Flatrock 3 LLC	2605-2.03-C0416	4416 Riverview Ave.	\$946.40 - 2012
Flatrock 3 LLC	2605-2.03-C0117	1117 Riverview Ave.	\$757.58 – 2012
Flatrock 3 LLC	2605-2.03-C0121	1121 Riverview Ave.	\$946.40 – 2012
Flatrock 3 LLC	2605-2.03-C0318	3318 Riverview Ave.	\$1039.42 – 2012
Flatrock 3 LLC	2605-2.03-C0317	3317 Riverview Ave.	\$757.58 – 2012
Flatrock 3 LLC	2605-2.03-C0316	3316 Riverview Ave.	\$946.40 – 2012
Flatrock 3 LLC	2605-2.03-C0332	3332 Riverview Ave.	\$1647.62 – 2012

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**RESOLUTION #121-05-24-16: AUTHORIZING AWARD OF CONTRACT FOR 2016 ROAD IMPROVEMENT PROGRAM (MILLING AND PAVING), PROJECT NUMBER ENGL-00220**

**WHEREAS**, sealed bids were received on May 19, 2016 for the 2016 Road Improvement Program (Milling and Paving), Project Number ENGL-00220 in accordance with specifications therefore and following public advertisement; and

**WHEREAS**, specifications were sent and responsible bids were received from seven (7) bidders listed on the attached Bid Summary Sheet; and

**WHEREAS**, the bid submitted by DLS Contracting Inc., located at 633 Franklin Ave, Suite 170, Nutley, New Jersey 07110, for the Base Bid total of \$1,064,830.00 was determined to be the low bid and is in compliance with the specifications; and based upon the recommendation of the City Engineer, can be accepted by the City Council; and

**WHEREAS**, funds were approved for this purchase through the Capital Fund 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 DLS Contracting, 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 DLS Contracting, Inc., for the 2016 Road Improvement Program (Milling and Paving), Project Number ENGL-00220 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.

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**RESOLUTION #122-05-24-16: AUTHORIZING AWARD OF CONTRACT FOR EAST PALISADES AVENUE IMPROVEMENTS, PROJECT NUMBER ENGL-00280**

**WHEREAS**, sealed bids were received on May 19, 2016 for the East Palisades Avenue Improvements, Project Number ENGL-00280 in accordance with specifications therefore and following public advertisement; and

**WHEREAS**, specifications were sent and responsible bids were received from four (4) bidders listed on the attached Bid Summary Sheet; and

**WHEREAS**, the bid submitted by DLS Contracting, Inc., located at 633 Franklin Avenue, Suite 170, Nutley, New Jersey 07110, for the Base Bid and Alternate No. 1 only, for the total sum of \$841,011.45 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 were approved for this purchase through the Capital Fund 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 DLS Contracting, 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 DLS Contracting, Inc., for the East Palisades Avenue Improvements, Project Number ENGL-00280 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.

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**RESOLUTION #123-05-24-16: AUTHORIZING AWARD OF CONTRACT FOR EPPS AVENUE IMPROVEMENTS, PROJECT NUMBER ENGL-00270**

**WHEREAS**, sealed bids were received on May 19, 2016 for the Epps Avenue Improvements, Project Number ENGL-00270 in accordance with specifications therefore and following public advertisement; and

**WHEREAS**, specifications were sent and responsible bids were received from five (5) bidders listed on the attached Bid Summary Sheet; and

**WHEREAS**, the bid submitted by New Prince Construction Co., Inc., located at 215 Elleen Terrace, Hackensack, New Jersey 0760, for the Base Bid and Alternate No. 1 only, for the total sum of \$249,777.00 was determined to be the low bid and is in compliance with the specifications; and based upon the recommendation of the City Engineer, can be accepted by the City Council; and

**WHEREAS**, funds were approved for this purchase through the Capital Fund 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 New Prince Construction Co., 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 New Prince Construction Co., for the Epps Avenue Improvements, Project Number ENGL-00270 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.

**RESOLUTION #124-05-24-16: RESOLUTION HONORING BEVERLY J. MITCHELL**

**WHEREAS**, Beverly J. Mitchell, a longtime Englewood resident, has passed away at the age of 79 on May 6, 2016. Mrs. Mitchell was predeceased by her loving husband, Louis Joseph Mitchell Jr. and is survived by her son, Louis Joseph Mitchell III, siblings Harry, Janice, Gregory and Jeffrey, grandchildren Courtney, Elgin, Chelsea, Tamia, Jo Jo and Josie and great-granddaughter Alani, as well as numerous nieces and nephews; and

**WHEREAS**, Beverly J. Mitchell had a commitment to professional excellence and was passionate about her chosen profession as a Real Estate Agent where her philosophy, among others, was to provide ongoing expert service, listen to her clients' needs and to treat them with respect and confidentiality. Her professional involvement included being a member of the National Association of Realtors, a member of the New Jersey Association of Realtors, Member of the Eastern Bergen County Board of Realtors, Member of the National Association of Female Executives, and a Licensed NJ Real Estate Representative since 1988; and

**WHEREAS**, Beverly J. Mitchell was very active in the Englewood community and served as a member of various committees and boards. Mrs. Mitchell served as a member of the Women's Club of Englewood, Englewood Historical Society, the Planning Board, the Board of Adjustment, Community Chest, Englewood's Council of Arts, Englewood Little League, and the Recreation Department;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Englewood, County of Bergen, hereby honor the memory of Beverly J. Mitchell for her commitment to excellence as a Real Estate Agent and for her dedicated service to the Englewood Community.

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**RESOLUTION #126-05-24-16: AUTHORIZING THE APPROVAL OF CHANGE ORDERS WITH DOBTOL CONSTRUCTION, LLC**

**WHEREAS**, the City of Englewood and Dobtoll Construction, LLC entered into a construction contract for the construction of a new Fire House on S. Van Brunt Street in the City of Englewood; and

**WHEREAS**, during the course of the performance of the contract due to unforeseen conditions and circumstances, as well as design changes Dobtoll has submitted to the City requests for compensation in the form of pending Change Orders; and

**WHEREAS**, after due investigation and review by the City Engineer's office and RSC Architects on behalf of the City it is recommended that the City approve certain Change Orders; and

**WHEREAS**, based on the recommendation, the City wishes to approve the Change Orders listed on Schedule A annexed hereto.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Englewood, Bergen County, New Jersey that it approves Change Order Numbers 5-6, 11, 19, 24-27, 29, 35-36, 39-40, 42-54, and 56-64 as set forth on Schedule A annexed hereto in the total amount of \$577,907.15.

**BE IT FURTHER RESOLVED** that a copy of the within Resolution shall be on file in the Office of the City Clerk and shall be available for public inspection during regular business hours.

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to execute such necessary documents to effectuate this Agreement.

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**RESOLUTIONS – NON-CONSENT AGENDA**

**RESOLUTION #120-05-24-16: AWARD PROFESSIONAL SERVICES CONTRACT TO JERSEY PROFESSIONAL MANAGEMENT FOR TEMPORARY ACTING CHIEF FINANCIAL OFFICER AND MANAGEMENT CONSULTANT SERVICES**

**WHEREAS**, the City of Englewood requires Temporary Acting Chief Financial Officer and Management Consultant Services to provide professional services for the Finance Department.

The scope of work will include:

- The normal duties of a Chief Financial Officer

**WHEREAS**, on the recommendation of the City Manager, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to

Michael Mariniello, Jr. of Jersey Professional Management, 23 North Avenue East, Cranford, New Jersey 07016 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 April 18, 2016 will exceed \$17,500.00;

**WHEREAS**, Michael Mariniello, Jr. of Jersey Professional Management 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;

**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 Michael Mariniello, Jr. of Jersey Professional Management to provide Temporary Acting Chief Financial Officer and Management Consultant Services for the Finance Department;

**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.

A motion to approve Resolution #120 was made by **Councilman Forman** and seconded by **Councilman Cobb**.

**Mayor and Council Comments on Resolution #120-05-24-16:**

- Councilman Skurnick reported that he met with the consultant to be hired and discussed with him what he would be doing.
- Councilman Cobb also reported that the consultant will provide whatever service is requested of him.

**ROLL CALL:**

**Yes:** Council Members Cobb, Cohen, Forman and Hamer  
**Abstain:** Council Member Skurnick

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**COMMUNICATIONS FROM THE MAYOR/COUNCIL MEMBERS:**

**Mayor Frank Huttle:**

- Reported that the family of Beverly Mitchell will be planning a memorial service in the fall and requested a moment of silence for a "dear friend." A moment of silence for Ms. Mitchell followed.
- Thanked the City Manager, the City Engineer, the Council and the entire community for participating in the dedication of the new firehouse in the name of former Council Member Jack Drakeford.
- Reported on the success of the John T. Wright Englewood Arena for now being able to have year round Recreation Programs for children.

**Councilman Eugene Skurnick:**

- Congratulated the Dwight Morrow High School baseball team on their successful season.
- Reported that the Englewood Track and Field Club has been in existence for 30 years and had another successful year.
- Also reported that the Englewood Soccer League had a successful season and is becoming more competitive.

- Expressed his concerns about the depressed economy in the retail, industrial and office districts.
- Asked why the Council was not informed that the EEDC has a new Chairperson.
- Recommended that professional consultants be hired to assess the SID and how it can be improved.
- Reported that the Englewood Chamber of Commerce is hosting a Latino Festival on June 11<sup>th</sup> on the West side of Palisade Avenue. Mr. Dacey added that parking locations are posted on the Chamber's website.

**Councilman Marc Forman:**

- Thanked Ryan Hascoe, DPW and other volunteers for plantings in the park and encouraged everyone to visit the parks.

**Councilman Michael Cohen:**

- Reminded everyone about the availability of small loans from the Federal Government to assist small businesses to improve themselves. Requested that the information be posted on the City website.
- Spoke about the former Councilman Jack Drakeford and his dedication to the City.
- The Latino Festival is scheduled for a Saturday and he is not able to attend. Asked that events not be scheduled on the Sabbath so that the entire community is able to attend.
- Requested that Lisa Wisotsky also be recognized as someone who helped with the success of the Arena.

**Councilman Charles Cobb:**

- Thanked the young people in the recreation program for their dedication in building the boat and Merle Simmons for her leadership.
- Thanked Ellen Forman and the Englewood Environmental Commission for the trees planted on Arbor Day in Depot Square Park.

**Council President Wayne Hamer:**

- Reported on the passing of Captain Walter Clark, retired from the Englewood Fire Department.
- Acknowledged the Stigma Free Task Force for the tree planting ceremony earlier in the evening.
- Thanked the Alpha Cappa Alpha Sorority for cleaning up debris and planting flowers in Mackay Park this past Saturday.
- Reported that the Board of Education is hosting a Town Hall Meeting regarding the purchase of property on Manor Road on June 9<sup>th</sup> at 6:30pm.

**COMMENTS FROM THE CITY MANAGER:**

Mr. Dacey reported on the following:

- Thanked the Teaneck Fire Department for covering for Englewood today so that the City's firefighters can attend Captain Clark's funeral.
- We closed last week on the bonds for the defeasance of Lincoln School and Liberty School and only \$3.3 million had to be put aside. \$3.6 was originally budgeted so \$300,000 will lapse into reserve at the end of the year.
- Pools are in the process of being cleaned and opened. They are being painted this week and are on schedule to be opened at the end of school.
- The Memorial Day Ceremony will be held on Monday at 10:00am by the Monument and will be followed by the parade.
- Next Capital projects going out to bid are Mackay Soccer Field and Millers Pond dredging and are hoping to award on June 14<sup>th</sup>.
- The Englewood Night Market will be held on Tuesday, July 12<sup>th</sup> from 5-11pm.
- The Juneteenth Carnival at Veterans Park will be held on Thursday, June 16<sup>th</sup> to Sunday, June 19<sup>th</sup>.
- The Latino Festival will be on Saturday June 11<sup>th</sup> from 1pm to 6pm.
- Introduced new Human Resources Director Wendy Wieblak who spoke about her experience and goals for the City employees.

## **PUBLIC SESSION:**

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

- Josh Schmall , 86 Spring Lane:
  - Presented a petition and letter in opposition of a park bench being placed in the park across the street from his property.
- Shirley Smith, 374 W. Palisade Ave:
  - Requested a walking police patrol throughout the City and that officers hired be Englewood residents.
- David Soofian, 82 Spring Lane:
  - Also spoke in opposition to the park bench being placed in the park across from his property and expressed concerns about loitering.
- Gene Backous, 253 W. Palisade Ave:
  - Expressed concerns about the towing company on the property next door to his.
- Curtis Caviness, 41 E. Forest Ave:
  - Expressed concerns about the expense of running Tryon pool and the length of the contract.
  - Asked why the sneaker store that recently had an arrest for cocaine sale is still open.
  - Asked about the interlocal contract with the Board of Education for custodial services.
- Howard Shafer, 89 Spring Lane:
  - Opposed to the bench in the park in his neighborhood because of loitering concerns.
  - Expressed his opinion that members of the EEDC should be thanked for their volunteer service and not be criticized.
- Lucy Walker, Washington Place:
  - Asked where the park rangers are in the parks.
  - Asked if the boat that was donated will be in Mackay Park for the remainder of the summer. (Mr. Dacey will look into it.)
- Anthony Cureton, 383 Marlboro Rd:
  - Spoke about the “Welcome to Englewood” sign on Hudson Avenue requiring new paint and better lighting in the evening.
  - Expressed concerns that there are only 2 speed limit signs at the intersections of Hudson and Manor and Liberty and Hudson that are deteriorated and need to be replaced as well as additional signs needing to be placed along that stretch of road for pedestrian safety due to lack of sidewalks.
  - Reported that the base of the traffic signal at the intersection of Tenafly and Demarest is broken and caused a trip and fall. There is also no traffic signal on the east side by Calvary Baptist Church and needs to be returned to that location.
- Elle Kelly, 350 Shepard Ave:
  - Spoke about the following: tree trimming needs to be done; Englewood Avenue needs to be repaved; doesn’t believe that someone calling the police department should be required to give their name when calling in a concern; he is having difficulty making an appointment to meet with the Police Chief; the Fire Department is short staffed; the police department should not get another raise; and the property maintenance department needs more people
- Jan Fredericks, 21 Legrande Terrace:
  - Works in the City and spoke about the stray cats in the Charles Street area and asked that a trap and spay program be put in place in the City to stop them from breeding and starving.

Council President Hamer closed the Public Session.

## **CLOSED SESSION:**

**RESOLUTION #127-05-24-16: 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:

**Pending or Anticipated Litigation, Contract Negotiations and Attorney/Client Privilege**

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

- ( ) Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law.
- ( ) Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds.
- ( ) Sub-section 3 involving disclosure of material which would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved.
- ( ) Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions, and negotiations thereof.
- ( ) Sub-section 5 dealing with the acquisition of real property, the settling of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest.
- ( ) Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law.
- ( X ) Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege.
- ( ) Sub-section 8 dealing concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof.
- ( ) Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license.

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

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

Motion by **Councilman Cobb** seconded by **Councilman Forman** to approve.

**ROLL CALL:**

**Yes:** Council Members Cobb, Cohen, Forman, Skurnick and Hamer

Motion to Re-convene in open session by **Councilman Cobb** and was seconded by **Councilman Forman**.

**ROLL CALL:**

**Yes:** Council Members Cobb, Cohen, Forman, Skurnick and Hamer

**ADJOURN:**

Motion to adjourn the meeting by **Councilman Skurnick** seconded by **Councilman Cobb**.

**ROLL CALL:**

**Yes:** Council Members Cobb, Cohen, Forman, Skurnick and Hamer

Meeting was adjourned at 9:44pm.

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Yancy Wazirmas, RMC  
City Clerk