

**City of Englewood**  
**City Council Workshop**  
**Meeting Minutes**

**June 14, 2016**

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A Workshop 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  
City Attorney William Bailey  
City Manager Timothy Dacey  
City Clerk Yancy Wazirmas

Absent: Mayor Frank Huttie III

Council President Hamer called the meeting to order at 7:30pm and then led the Pledge of Allegiance. A Moment of Silence was offered for the victims of the shootings at the nightclub in Orlando, Florida.

**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.*

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**BILLS AND CLAIMS**

**RESOLUTION #128-06-14-16: 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 \$6,202,299.03.

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

**ROLL CALL:**

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

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Motion by **Councilman Skurnick**, seconded by **Councilman Cobb** to amend Resolution #132-06-14-16 from Awarding Contract to Reject All Bids Received.

**ROLL CALL:**

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

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## **PUBLIC COMMENT ON AGENDA ITEMS:**

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

- Curtis Caviness, East Forest Ave:
  - Requested clarification on Resolution #130, specifically, the location. Mr. Dacey provided an explanation.

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

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## **RESOLUTIONS**

- #129-06-14-16 Authorization to Prepare and Issue 2016 Estimated Tax Bills
- #130-06-14-16 Resolution Authorizing the City of Englewood Planning Board to Undertake a Preliminary Investigation to Determine Whether the Proposed Study Area, Lot 7 in Block 2407, Lot 1 in Block 2801, and a Portion of the Unimproved Row of E. Linden Avenue, Qualifies as an Area in Need of Non-Condemnation Redevelopment Pursuant to N.J.S.A. 40A:12A-5
- #131-06-14-16 Authorizing Award of Contract for Mackay Park Soccer Field Improvements, Project Number ENGL-00290
- #132-06-14-16 Authorizing Rejection of All Bids Received for Dredging of Miller's Pond, Project Number 111333

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 #130 be pulled from the Consent for separate vote.

A motion was made by **Councilman Skurnick** and seconded by **Councilman Cobb** to approve the Consent Agenda Resolutions #129 and #131-132.

### **ROLL CALL:**

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

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## **RESOLUTION #129-06-14-16: AUTHORIZATION TO PREPARE AND ISSUE 2016 ESTIMATED TAX BILLS**

**WHEREAS**, the City of Englewood cannot have its overall tax rate certified until after the adoption of both the State of New Jersey fiscal budget and County of Bergen budget; and

**WHEREAS**, it may be necessary to issue 2016 third quarter estimated tax bills prior to the tax rate certification in order to collect tax levy receipts in a timely manner to ensure the City of Englewood can meet its financial obligations; and

**WHEREAS**, the City of Englewood Tax Collector and Chief Financial Officer have computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies; and

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

1. The City of Englewood Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the City for the third installment of 2016 taxes. The Tax Collector shall proceed upon approval from the Director of the Division of Local Government Services to take such actions as permitted and required by PL., 1993.c.72 (N.J.S.A. 4:4-66.2 and 54:4-66.3),
  2. The entire estimated levy for 2016 is hereby set at \$111,978,446.28 and the estimated tax rate set at \$2.557,
  3. In accordance with the law the third installment of 2016 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated tax bills are mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.
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**RESOLUTION #131-06-14-16: AUTHORIZING AWARD OF CONTRACT FOR MACKAY PARK SOCCER FIELD IMPROVEMENTS, PROJECT NUMBER ENGL-00290**

**WHEREAS**, sealed bids were received on June 9, 2016 for the **Mackay Park Soccer Field Improvements, Project Number ENGL-00290** in accordance with specifications therefore and following public advertisement; and

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

**WHEREAS**, the bid submitted by Sita Construction Company, Inc., located at 7 Yankee Maid Lane, Goshen, New York 10924, for the Base Bid and Alternate No. A only, for the total sum of \$178,850.00 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 Sita Construction Company, 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 Sita Construction Company, Inc., for the **Mackay Park Soccer Field Improvements, Project Number ENGL-00290** 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 #132-06-14-16: AUTHORIZE REJECTION OF BIDS FOR DREDGING OF MILLER'S POND, PROJECT NUMBER 111333**

**WHEREAS**, sealed bids were received on June 9, 2016, for the **Dredging of Miller's Pond**, Project Number 111333 in accordance with specifications therefore and following public advertisement thereof pursuant to law; and

**WHEREAS**, two (2) vendors' bids were properly received and opened, but the amount of the bids exceeded the budgeted amount for the project;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, New Jersey, that the bids received for the **Dredging of Miller's Pond**, Project Number 111333 be rejected and re-bid.

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**RESOLUTIONS – NON-CONSENT AGENDA**

**RESOLUTION #130-06-14-16: RESOLUTION AUTHORIZING THE CITY OF ENGLEWOOD PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, LOT 7 IN BLOCK 2407, LOT 1 IN BLOCK 2801, AND A PORTION OF THE UNIMPROVED ROW OF E. LINDEN AVENUE, QUALIFIES AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-5.**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et seq. provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

**WHEREAS**, the Redevelopment Law sets forth the procedures for a municipality to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

**WHEREAS**, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the

governing body of the municipality shall, by resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, the New Jersey Legislature adopted, and the Governor signed P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

**WHEREAS**, pursuant to P.L. 2013, Chapter 159, "[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non-Condensation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a "Condensation Redevelopment Area");" and

**WHEREAS**, the City of Englewood Governing Body finds it to be in the best interest of the City and its residents to authorize the City's Planning Board to undertake such preliminary investigation of the study area, Lot 7 in Block 2407, Lot 1 in Block 2801, and a portion of the unimproved ROW of E. Linden Avenue, as shown on the City of Englewood Tax Map ("Study Area") as a Non-Condensation Redevelopment Area; and

**WHEREAS**, the City of Englewood Governing Body wishes to direct the Planning Board to undertake a preliminary investigation to determine whether the proposed Study Area qualifies as an area in need of Non-Condensation Redevelopment pursuant to N.J.S.A. 40A:12A-5; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the City of Englewood, in the County of Bergen, and State of New Jersey, that the Planning Board is hereby authorized to undertake a preliminary investigation pursuant to the notice, conduct a hearing and comply with other requirements of the Redevelopment Law, N.J.S.A. 40A:12A-1, et seq., as amended, in order to recommend to the Governing Body of the City of Englewood whether the area comprising the Study Area is an area in need of Non-Condensation Redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.

**BE IT FURTHER RESOLVED** that, pursuant to New Jersey P.L. 2013, Chapter 159, the redevelopment area determination shall authorize the City to use all those powers provided by the Legislature for use in a Non-Condensation Redevelopment area other than the use of eminent domain.

**BE IT FURTHER RESOLVED** that the Planning Board shall submit its findings and recommendations to the Governing Body in the form of a Resolution with supporting documentation.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution is to be forwarded to the Planning Board.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect pursuant to law.

A motion to approve Resolution #130 was made by **Councilman Forman** and seconded by **Council President Hamer**.

**Mayor and Council Comments on Resolution #130-06-14-16:**

- Councilman Skurnick stated that he wants the Council to be the lead development agency and that he believes the Council is Handing over this responsibility to the Planning Board. He also requested that the Council hire their own Planner.
- City Attorney Bill Bailey explained Land Use Law for redevelopment. He also advised that the Council can accept or reject the recommendations of the Planning Board that will be submitted to them.
- Councilman Cohen requested further clarification on procedures for meetings.
- Council President Hamer responded that there is a timeline which needs to be followed and this is why this resolution is on tonight's agenda.

**ROLL CALL:**

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

**No:** Council Member Skurnick

**Abstain:** Council Member Cohen

**RESOLUTIONS FOR DISCUSSION**

- Authorize the Execution of 2015 Bergen County Open Space Trust Fund Project Contract
- Resolution of the City of Englewood, County of Bergen, State of New Jersey, Approving the Acquisition of Surplus Military Equipment
- Appoint Municipal Representatives to the Community Development Regional Committee
- Refunds Due to State Tax Appeals.

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

**ORDINANCES FOR DISCUSSION**

- Amend the Taxicab Licensing Insurance requirements.

The City Clerk explained that this is to bring the code in line with the insurance requirements already requested in the renewal process.

**ITEMS FOR DISCUSSION:**

- Update Regarding Town Hall Meeting with Superintendent of Schools regarding Manor Road purchase.
  - Council President Hamer explained that the meeting was about the purchase of a lot on Manor Road that the School Board is contemplating purchasing for the purpose of building an administration building.
  - Issue of speeding and parking in the neighborhood were brought up by the residents. A discussion followed on different resolutions for this issue.

- Creation of Community Center Needs Assessment Committee
  - Council President Hamer moved this item to the July agenda.

- Capital Projects Slated for June through August with Anticipated award dates (subject to change):

City Engineer Frantz Volcy provided updates, with Council discussion, on the following:

- 2016 Curb and Sidewalk (Award 6/28/16)
- Artus Park Improvement (Award 6/28/16)
- Culvert Improvements (Award 6/28/16)
- Glenbrook Parkway Play Area (Award 6/28/16)
- Liberty Road Curb Installation (Award 6/28/16)
- Mackay Gatehouse (Award 6/28/16)
- Englewood Avenue Traffic Signals (Award 7/19/16)
- Jones Road Channel (Award 7/19/16)
- Forest/Lafayette Channel Proposal (Award 8/23/16)
- Tree Program (parks, street, etc.) (Award 8/23/16)
- In addition, the following project were also discussed: ADA ramps; E. Palisade Ave Re-Paving Project and grant received from the County; Epps Ave project begun; W. Palisade Ave. project completion issues; meeting with CSX scheduled for June 27<sup>th</sup> for traffic signal coordination; Tryon Ave pool repairs update; Basketball/Tennis courts repairs; Matlge Place water problem repair; storm-drain cleanup; soccer field repair update; tree planting list (forward name and address to City Manager’s Office if you want a tree); Harvey update; corner of West St and Demarest Ave water pooling after storms; re-surfacing of the parking lot behind Bethany Church.

- Recreation Department Summer Events

| Date                             | Event                              | Time       | Location          |
|----------------------------------|------------------------------------|------------|-------------------|
| Wednesday, June 22 <sup>nd</sup> | Waves Pool Party                   | 3 p.m.     | Tryon Pool        |
| Wednesday, June 22 <sup>nd</sup> | Dive In Movie                      | 7 p.m.     | Mackay Pool       |
| Thursday, July 7 <sup>th</sup>   | Wipe Out! Obstacle Course          | 3 p.m.     | Tryon Pool        |
| Thursday, July 7 <sup>th</sup>   | Open Arena Night                   | 6 – 9 p.m. | Ice Arena         |
| Saturday, July 23 <sup>rd</sup>  | 4 <sup>th</sup> Ward Softball Game | 10 a.m.    | Mackay Turf Field |
| Saturday, July 23 <sup>rd</sup>  | 2016 Family Day, BBQ, & Pool Party | 1 – 5 p.m. | Mackay Pool       |
| Sunday, July 24 <sup>th</sup>    | Dance Battle H2O                   | 3 p.m.     | Tryon Pool        |
| Sunday, July 24 <sup>th</sup>    | Open Arena Night                   | 6 -9 p.m.  | Ice Arena         |

|                                   |                                   |            |             |
|-----------------------------------|-----------------------------------|------------|-------------|
| Wednesday, August 3 <sup>rd</sup> | Remote Control Raceway            | 6 -8 p.m.  | Ice Arena   |
| Saturday, August 13 <sup>th</sup> | Island Pool Party                 | 6 – 8 p.m. | Mackay Pool |
| Sunday, August 14 <sup>th</sup>   | Sync or Swim Lip Sync Competition | 3 p.m.     | Tryon Pool  |
| Sunday, August 14 <sup>th</sup>   | Open Arena Night                  | 6 – 9 p.m. | Ice Arena   |
| Thursday, August 25 <sup>th</sup> | Road to Rio Team Olympics Day     | 3 p.m.     | Tryon Pool  |
| Thursday, August 25 <sup>th</sup> | Glow Party                        | 7 p.m.     | Mackay Pool |
| TBD                               | Pee Wee Soccer Clinic             | TBD        | Ice Arena   |
| TBD                               | Men’s Short Side Soccer           | TBD        | Ice Arena   |

- In addition to the events listed above, Ms. Simons spoke about National Night Out scheduled for August 2<sup>nd</sup> and Family Boating at Overpeck Park scheduled for July 17<sup>th</sup> and August 7<sup>th</sup>
- Status of Summer Camp registration was reported.
- Appointments of Local Historian and Assistant Historians
  - Councilman Cobb explained that the Historic Committee is requesting these appointments. He will share with the Council the names recommended by the Historic Committee along with their bios.
- Englewood Events  
Council President Hamer highlighted the following:
  - Juneteenth Festival is this weekend, Thursday through Sunday and the parade will be on Saturday at 10:00am beginning at the monument.
  - The swimming pools open on Wednesday, June 22nd
  - The Latino Festival was held this past Saturday and was attended by approximately 1,500 people.

#### **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.

- Shirley Smith, 374 W. Palisade Ave:
  - Asked if any consideration has been given to walking police patrols.
- Leonardo Acosta, 81 Charles Street:
  - Asked about the status of the construction on James Street, the notification process and the buffer zones. Mr. Dacey responded.
- Curtis Caviness, E Forest Ave:
  - Asked/commented about the following: the shootings reported in the media; pedestrian crossings; parking enforcement on Manor Rd; capital projects; how the staging of the construction equipment in the back of Bethany Church will affect the people who park at the nursery school; criteria for being chosen as local historian; add work-out equipment to Artus Park; and the application for re-development and what non-condemnation is.
- Lucy Walker, Washington Place:
  - Asked/commented about the following: timing of the crosswalk on West Palisade Ave; crosswalk needed at Armory Place; Mattlage Place water issues; the sweepers are pressing debris into the storm grates and not cleaning them;

Council President Hamer closed the Public Session.

#### **CLOSED SESSION:**

#### **RESOLUTION #133-06-14-16: 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 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

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Motion by **Councilman Cobb** seconded by **Councilman Skurnick** to re-convene in open session.

**ROLL CALL:**

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

**ADJOURN:**

Motion by **Councilman Forman** seconded by **Councilman Skurnick** to adjourn at 9:40pm.

**ROLL CALL:**

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

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Yancy Wazirmas, RMC  
City Clerk