

A Regular Formal Meeting of the Council of the City of Englewood, Bergen County, New Jersey, was held this evening in the Municipal Court in the Public Safety Building commencing at 7:30 P.M..

Present: Mayor Frank Huttler; Council President Scott Reddin; Council members Ken Rosenzweig, Charlotte Bennett Schoen, Jack Drakeford, and Lynne Algrant; Also present were Daniel Fitzpatrick, City Manager; Lenore Schiavelli, City Clerk; William Bailey, City Solicitor.

President Reddin called the meeting to order.

The City Clerk stated that adequate notice of this meeting was given by the posting, filing and distribution of the Annual Notice of Meetings as required by the Open Public Meetings Act.

President Reddin asked those present to stand while the Pledge of Allegiance was recited.

The City Manager discussed several items with the City Council including the budget, escrow accounts, and agenda review.

Ms. Algrant moved that the minutes of the January 5, 2010 meeting be approved.. Ms. Schoen seconded the motion. Upon roll call, all Council members present voted "Yes". President Reddin declared the motion carried and the minutes duly approved.

Ms. Schoen moved that the following Resolution be adopted. Ms. Algrant seconded the motion Upon roll call, all Council members present voted "Yes". President Reddin declared the motion carried and the Resolution duly adopted.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ENGLEWOOD that the bills and claims as approved for payment by the Chief Financial Officer of the City of Englewood are hereby ordered paid and that the accompanying schedule thereof (pages 1a - 1g of these minutes) is hereby made a part of the minutes of this meeting.

Mayor Huttler and Council members commented.

President Reddin explained the Resolutions on the agenda and invited questions/comments on the items from the public.

Ms. Algrant moved that the following resolutions be adopted by Unanimous Consent. Ms. Schoen seconded the motion. Upon roll call, all Council members present voted "Yes". President Reddin declared the motion carried and the resolutions duly adopted.

1. WHEREAS, the Vincente K. Tibbs Child Development Center is the Provider Agency to deliver certain social services including the operation of a child care center; and

WHEREAS, the New Jersey Department of Human Services has been duly designated to administer or supervise the administration of social service programs as defined in the New Jersey State Plans for Social Services; and

WHEREAS, the New Jersey Department of Human Services policies establish that resources may be donated by a public donor in the form of cash or In-Kind contribution to be used as a match in the provision of social services; and

WHEREAS, the City of Englewood wishes to make a donation to Vincente K. Tibbs to support services provided by it;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood hereby authorizes the execution of a Public Donor Agreement with Vincente K. Tibbs Child Development Center in the amount of \$58,413 for 2010 subject to budgetary appropriations.

2. BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ENGLEWOOD that the following appointments, pursuant to P.L. 2004 c.19, are confirmed commencing January 1, 2010 through December 31, 2010 and the City Manager is hereby authorized to execute the appropriate appointment letter:

- City Physician Robert Adair
- City Solicitor William Bailey
- Assistant City Solicitor (Prosecutor) Gerald Oratio
- Public Defender Aishaah Rasul
- Bond Counsel Christopher
- Labor Attorney Walrath
Gluck Walrath, LLP
- Appraiser Mark
- Code Enforcement Attorney Ruderman
McNerney
- Robert
- Carl Beckwith

3. WHEREAS, the City of Englewood and Englewood Board of Education have determined that a need exists for a traffic signal at the Dune Avenue and Tenafly Road intersection; and

WHEREAS, the Englewood Board of Education has requested that the City of Englewood undertake this project at the cost of the Board; and

WHEREAS, the Englewood Board of Education has agreed to supply the City the amount of \$200,000 for the cost of design and installation of said project in advance of the start of the project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the amount of \$200,000 be received from the Englewood Board of Education for the design and installation of a traffic signal at the intersection of Durie Avenue and Tenafly Road and the Chief Financial Officer is authorized to set up a "Reserve for Expenses" in the General Capital Fund.

4. WHEREAS, sealed bids were received on December 17, 2009 for "Refurbishment of Fire Truck 2" in accordance with specifications therefore and following public advertisement; and

WHEREAS, the lowest responsible bid received was:

Absolute Fire Protection Co., Inc.
2800 Hamilton Blvd

South Plainfield, NJ 07080
\$ 307,606

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, on the recommendation of the Fire Chief, that the base bid submitted by Absolute Fire Protection Co., Inc. in an amount not to exceed \$ 307,606 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 Absolute Fire Protection Co., Inc. for Refurbishment of Fire Truck 2 in accordance with the specifications therefore; and

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.

The Chief Financial Officer's Certificate of Availability of Funds is on file in the office of the City Clerk.

5. WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP") filed an Administrative Order and Notice of Civil Administrative Penalty against the City of Englewood in April 2004, concerning alleged violations of the Solid Waste Management Act arising out of the operations of the Englewood Transfer Station and seeking \$45,000 in penalties; and

WHEREAS, the City disputed certain of the alleged violations and the matter was referred to the Office of Administrative Law (OAL Docket No. ESW 01177-2006N); and

WHEREAS, the matter was the subject of a settlement conference on December 2, 2009, and the parties reached a tentative agreement to resolve the case subject to approval by the NJDEP and the Englewood City Council; and

WHEREAS, it is deemed in the best interests of the City to resolve this matter through a

payment in the amount of \$17,000, as full satisfaction of the penalty sought;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the aforementioned settlement is hereby approved and the City's Special Counsel, William R. Rupp, Esquire is authorized to execute the Stipulation of Settlement in this matter.

The Chief Finance Officer's Certificate of Availability of Funds is on file in the office of the City Clerk.

6. WHEREAS, there exists a need in the City of Englewood for a real estate appraiser for appraisal services for tax appeal litigation before the Bergen County Tax Board; and

WHEREAS, the Local Public Contracts Law authorizes the execution of such professional services contract without competitive bidding pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

WHEREAS, the City Council finds, on the recommendation of the Tax Assessor of the City of Englewood, that it would be in the best interests of the City of Englewood to award a contract for such services to Realty Appraisal Co., with offices located at 4912 Bergenline Avenue, West New York, New Jersey, 07093, on the basis of professional expertise, experience as a former tax assessor, and previous service on behalf of the City of Englewood;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, that the City Manager is hereby authorized to execute, and the City Clerk to attest, an agreement between the City of Englewood and Realty Appraisal Co. to furnish appraisal services in connection with the defense of 2010 Bergen County Tax Board litigation at a cost of \$100 per hour, not to exceed \$10,000, for all property types; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to cause a brief notice to be published once in the Press Journal stating the nature, duration, service and amount of the contract.

The Finance Director's Certificate of Availability of Funds is on file in the Office of the City Clerk.

7. WHEREAS, there exists a need in the City of Englewood for a real estate appraiser to appraise new construction, additions, and alterations of real property and prepare appraisal reports and present expert testimony in appeals pending before the Tax Court of the State of New Jersey; and

WHEREAS, the Local Public Contracts Law authorizes the execution of such professional services contract without competitive bidding pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein; and

WHEREAS, the City Council finds, on the recommendation of the Tax Assessor of the City of Englewood, that it would be in the best interests of the City of Englewood to award a contract for such services to Realty Appraisal Co., with offices located at 4912 Bergenline Avenue, West New York, New Jersey, 07093, on the basis of his professional expertise, experience as a former tax assessor, and previous services on behalf of the City of Englewood;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, that the City Manager is hereby authorized to execute, and the City Clerk to attest, an agreement between the City of Englewood and Realty Appraisal Co. to furnish real estate appraisal services as required by the City of Englewood in connection with tax appeals pending in the New Jersey Tax Court at a total cost not to exceed \$21,000 per year; and

BE IT FURTHER RESOLVED that the City Clerk is authorized to cause a brief notice to be published once in the Press Journal stating the nature, duration, service and amount of the contract.

The Finance Director's Certificate of Availability of Funds is on file in the Office of the City Clerk.

8. WHEREAS, application has been made for a Person to Person Transfer of Hotel/Motel Exception Liquor License #0215-36-046-005 for premises located at 401 S. Van Brunt Street, Englewood, New Jersey, from CP Englewood Lessee Inc. to CP Englewood LLC t/a Crowne Plaza Englewood; and

WHEREAS, the transferee has paid to the City of Englewood the necessary fee and has properly advertised as required by Law; and

WHEREAS, the City of Englewood has caused an investigation to be made and has not uncovered any violations and therefor the applicant is eligible for the requested transfer; and

WHEREAS, the applicant has disclosed to the City Council and the Council has reviewed the source of funds used in the purchase of the license and the licensed business;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the Person to Person Transfer of Hotel/Motel Exception License for a facility containing 100 or more sleeping rooms and may only be used in connection with a hotel/motel from CP Englewood Lessee Inc. to CP Englewood LLC t/a Crowne Plaza, 401 S. Van Brunt Street, Englewood is hereby approved as of the original filing date of August 19, 2008.

9. WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 et seq. allows municipalities to accept donations for expenses:

Donations: Englewood Shuttle Bus Operation; and

WHEREAS, N.J.S.A. 40A:4-39 et seq. provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Englewood as follows:

1. The City of Englewood Council hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for the City of Englewood Shuttle Bus Operation as per N.J.S.A. 40A:4-39 et seq.

2. The City Clerk of the City of Englewood is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

10. WHEREAS, an emergent condition has arisen in that the City of Englewood is expected to enter into contracts, commitments, or payments prior to the 2010 Budget and no adequate provision has been made in the 2010 temporary budget for the aforesaid purposes; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose; and

WHEREAS, the total emergency temporary appropriation resolution adopted in 2010 pursuant to the provisions of Chapter 96, FL 1951 (N.J.S.A. 40A:4-20) including this resolution totals \$115,572;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-20 emergency temporary appropriations are hereby made in the amount of \$1 15,572:

General Appropriations

Operations Excluded from CAPS

Local Public
Health
Emergency
Response to
H1N1

\$80,572
Port Authority
of NY/NJ
Emergency
Service Grant
\$

5,000
Louis A.
LaSalle
Tomorrow
Fund

\$30,000

BE IT FURTHER RESOLVED that emergency temporary appropriations offset by an item of revenue are hereby made in the amount of \$ 115, 572:

Miscellaneous Revenues

Special Items of General Revenues Anticipated with Prior Written Consent of the Director of the Division of Local Government Services:

Revenues:

State of New Jersey - Dept. of Health and Senior Services
Local Public Health Emergency Response to HINI

\$80,572

Port Authority of NY/NJ Emergency Service Grant \$ 5,000

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January 19, 2010

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| | Louis A. LaSalle Tomorrow Fund | \$30,000 |
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BE IT FURTHER RESOLVED that said emergency temporary appropriations will be provided for in the 2010 Budget and a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

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Ms. Schoen introduced the following ordinance by title:

10-01 AN ORDINANCE AMENDING SECTION 17-24(a) OF CHAPTER 17 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD PERTAINING TO SOLICITING IN THE CITY OF ENGLEWOOD

She moved that the ordinances pass on first reading and be published once, in full, in the Press Journal and that a public hearing thereon be held February 2, 2010. Ms. Algrant seconded the motion.

Upon roll call, all Council members present voted "Yes". President Reddin declared the motion carried.

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President Reddin declared the public session open and the following persons spoke: Rosemary Scott, 315 Shepard Ave, commented on VK Tibbs shared cooperation with other agencies; she questioned process for opening a group home.

Wayne Scott, Shepard Ave, wants a community center; he believes that community forums have value.

Aaron Wilson, 165 Central Ave, stated that DPW calendars were not delivered in his neighborhood.

Carter Jackson, NAACP, would like a resolution supporting Haiti.

Nicholas Campbell, 30 Highwood Ave, believes that garbage pickup should be a priority. Alva Jones, King Gardens, wants a community center; she is concerned about gangs and drugs.

Lisa Levien, 81 E. Hamilton Ave, announced flu clinic at the middle school.

When no one else wished to address the Council, President Reddin closed the public session.

Upon motion duly made, seconded, and approved, the City Council retired to closed session to discuss potential litigation; personnel issues; contract negotiations. President Reddin announced that the closed session would continue the next evening in City Hall.

Inasmuch as there was no further business to come before the City Council, the Council President adjourned the meeting.

Lenore Schiavelli, City Clerk