

City of Englewood
City Council Meeting
Minutes

April 6, 2010

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.

Roll Call: Present: Council President Scott Reddin
Council member Lynne Algrant
Council member Ken Rosenzweig
Council member Charlotte Bennett Schoen
Council member Jack Drakeford
Mayor Frank Huttle III
City Manager Daniel Fitzpatrick
City Solicitor William Bailey
City Clerk Lauren Vande Vaarst

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, and to remain standing for a Moment of Silence in memory of Englewood Firefighter Darius Hunt, who was killed on Sunday, April 4, 2010 in a motorcycle accident.

Executive Session (Committee of the Whole):

1. Fire House
2. Metered Parking
3. Recreation Fees
4. Council Meeting dates for the remainder of 2010
5. Dates for Budget Hearings - April 13,19,20,26,27 and 28 all dates will begin at 6:00pm and be held at City Hall, 2nd Floor Conference Room
6. Parking on Huguenot
7. Harvey Park
8. Proposed Bid Package and Specifications for Leasing of Ice Rink
9. Bonding Alternatives presented by Auditor – Dieter Lerch of Lerch, Vinci & Higgins, LLP
10. Agenda Review
11. Closed Session
12. Vote to add Additional Agenda Items: All in Favor

#090-04-06-10 Approve Temporary Emergency Appropriations- ANJEC Smart Growth Grant

#091-04-06-10 Authorize Award of Contract for ANJEC Smart Growth Grant Consultant

#092-04-06-10 Approve Waiver of Permit Fee- Garden Club of Englewood

Resolution #079-04-06-10

RESOLUTION ACCEPTING MINUTES

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

COUNCIL MEETING
March 16, 2010

CLOSED SESSION MEETINGS

March 2, 2010
March 11, 2010
March 16, 2010

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Rosenzweig</i>		X			
<i>Bennett Schoen</i>	X	X			
<i>Drakeford</i>		X			
<i>Reddin</i>		X			

RESOLUTION #080-04-06-10

APPROVE PAYMENT OF BILLS AND CLAIMS

WHEREAS, The Chief Financial Officer has certified and submitted a consolidated bill and claims list for payment; 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 list are hereby approved for payment in the total amount of \$1,327,217.35.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Rosenzweig</i>		X			
<i>Bennett Schoen</i>		X			
<i>Drakeford</i>		X			
<i>Reddin</i>		X			

Communications from the Mayor/Council members:

Ordinances - Second Reading/Public Hearing:

The following ordinances were approved on first reading at the meeting of the Mayor and Council held on March 16, 2010, and published in the March 25, 2010 edition of the Press Journal. Copies have been available to the public since introduction in the Office of the City Clerk.

ORDINANCE #10-05

AN ORDINANCE AUTHORIZING SALE OF LAND WITHOUT PUBLIC AUCTION

WHEREAS, N.J.S.A. 40A: 12-13(b) (5) authorizes a private sale of certain lands owned by a municipality where such lands are less than the minimum size required for development, and

WHEREAS, such sale opportunity is limited to the owners of property contiguous to the subject property, and

WHEREAS, the Governing Body has determined that Lot 1.01 Block 2519 meets the statutory criteria, and

WHEREAS, the Governing Body has determined that the sale of said lands meet the statutory criteria of N.J.S.A. 40A:12-13(b) (5), that said lands are not needed for public purposes, and

WHEREAS, the sale of such lands is in the best interests of the City of Englewood,

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Englewood as follows:

1. The Governing Body of the City of Englewood shall offer the land known as Block 2519, Lot 1.01 which is immediately adjacent to 333 South Van Brunt Street, Englewood, New Jersey to the owners of the contiguous properties, as shown on the Borough Tax Records, for the minimum price of \$35,000.

2. The sale shall be to the party (limited to the contiguous owners) submitting the highest bid equal to or in excess of the listed price. The terms of the sale shall be that the City shall deliver marketable title, with closing to occur within forty-five (45) days of the awarded bid.

3. The Deed of Conveyance for said property shall contain the following restriction, which shall be binding upon the heirs, successors and assigns of the purchaser:

"THE WITHIN LANDS SHALL BE MERGED WITH THE LANDS COMMONLY KNOWN AS A **PORTION OF** LOT 1.01, BLOCK 2519 (SUCCESSFUL BIDDER'S INFORMATION TO BE INSERTED) WHICH LANDS ARE OWNED BY THE GRANTEE HEREOF. SAID LANDS SHALL HEREAFTER NOT BE USED OR SUBDIVIDED IN ANY WAY EXCEPT AS PART OF A CONFORMING LOT BEING USED IN CONFORMANCE WITH THE USE AND BULK REGULATIONS SET FORTH IN THE ENGLEWOOD LAND USE ORDINANCE AS MAY FROM TIME TO TIME BE AMENDED."

BE IT FURTHER ORDAINED that the Governing Body finds and determines, in accordance with N.J.S.A. 40A:12-13(b) (5) that the minimum purchase price for this property in its setting and as the future use of the property is limited by this Ordinance and is equal to or greater than the fair market value of the subject property based upon appraisals of similar properties and tax assessment practices within the City.

The Governing Body retains the right, as mandated by statute, to reconsider this Ordinance not later than 30 days from the date hereof.

A copy of this Ordinance shall be posted on the bulletin board of the Governing Body and published in the official newspaper of the City of Englewood within five days following the adoption hereof.

Written offers for the property so identified and listed in this Ordinance may be made to the Clerk for the City of Englewood for a period of 20 days following the adoption and advertisement hereof. The City Clerk is Lauren Vande Vaarst, and offers should be directed by personal delivery per certified mail to 2-10 North Van Brunt Street, Englewood, New Jersey 07631, not later than 20 days after the advertisement. Any such offer shall be accompanied by a certified or bank check in an amount not less than 10% of the bid price, which check shall be made payable to the City of Englewood. All such offers shall be in a sealed envelope with the following printed on the outside: "Offer to purchase a **portion of** Block 2519, Lot 1.01, submitted by _____."

The time within which to submit bids shall close at the conclusion of the 20-day period aforementioned, or such further period, as extended. The City reserves the right to reject any and all bids and to waive any irregularities therein to the maximum extent provided by law. Closing of title shall occur at the offices of Huntington Bailey, L.L.P., 312 Kinderkamack Road, Westwood, New Jersey 07675. Title to be conveyed shall be insurable by a New Jersey licensed title company at regular rates, however, conveyance at the City's option, shall be by quit claim deed. If title is not acceptable, the transaction is void and deposit shall be returned, and the City shall have no other responsibility.

As a condition of sale, the successful bidder shall submit a survey, to be approved by the City Engineer, within 30 days of acceptance of the bid by the City of Englewood. The cost of the survey shall be the sole responsibility of the purchaser. The successful bidder shall also be responsible for all engineering fees, legal fees, costs and expenses relative to the subdivision of the subject property.

A further condition of the sale shall be that the purchaser shall file with the County by deed or survey, and that filing costs be the sole responsibility of the purchaser.

Any Ordinance or a part thereof which is inconsistent with the provisions of this Ordinance shall be, and is, hereby amended.

If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

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

FIRST READING DATE: 03/16/2010

COUNCIL	MOTION	VOTE
Algrant		Y
Rosenzweig	X	Y
Bennett Schoen		AB
Drakeford		N
Reddin		Y

DATE PUBLISHED IN THE PRESS JOURNAL: March 25, 2010

DATE PUBLIC HEARING HELD: April 6, 2010

DATE SECOND READING HELD: April 6, 2010

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant		Y		Y		Y
Rosenzweig		Y		Y	X	Y

Bennett Schoen		Y		Y		Y
Drakeford		Y		Y		Y
Reddin	X	Y	X	Y		Y

Public Hearing Ordinance 10-05:

Phil Vogel, 318 Marlboro Road
Tom Hartounian, 333 S. Van Brunt Street
Ken Albert, 9 East Street

ORDINANCE #10-06

AN ORDINANCE AUTHORIZING THE LEASE OF THE JOHN T. WRIGHT
ARENA LOCATED IN MACKAY PARK IN THE CITY OF ENGLEWOOD

WHEREAS, the John T. Wright Arena, located in Tax Block 2309, Lot 20, otherwise known as Mackay Park, was constructed in 1980 for primary use as an ice skating and ice hockey arena; and

WHEREAS, the City leased the property for a twenty-five year term in September 1984 to MacKay Ice Arena, Inc. to operate the facility, which lease was extended in April 2008 for one year; and

WHEREAS, municipalities are permitted to lease public land and improvements under the provisions of N.J.S.A. 40A:12-14; and

WHEREAS, the City does not anticipate that this facility will be required in the immediate future for anything other than the current use; and

WHEREAS, the continued leasing of the property for this purpose will generate revenue for the City and afford recreational opportunities for the residents.

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

Section 1. The lease of the John T. Wright Arena under a competitive bid process as required by law for a term not to exceed five years at a minimum annual rent of \$30,000 is hereby authorized.

Section 2. The City Manager is authorized to prepare bid documents and advertise for bids in accordance with law upon adoption of this ordinance. The City reserves the right to reject all bids if deemed in its best interests.

Section 3. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect upon passage and publication as required by law.

FIRST READING DATE: 03/16/2010

COUNCIL	MOTION	VOTE
Algrant		Y
Rosenzweig	X	Y
Bennett Schoen		AB
Drakeford		N
Reddin		Y

DATE PUBLISHED IN THE PRESS JOURNAL: March 25, 2010

DATE PUBLIC HEARING HELD: April 6, 2010

DATE SECOND READING HELD: April 6, 2010

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant		Y		Y		Y
Rosenzweig		Y		Y		Y
Bennett Schoen		Y		Y	X	Y
Drakeford		Y		Y		Y
Reddin	X	Y	X	Y		Y

Public Hearing Ordinance 10-06:

Phil Vogel, 318 Marlboro Road
Larry Reid, Current Operator of John T. Wright Arena
Jeanne Hopewell, 380 Liberty Road
Chris Ansley 165 West Street- Apt D

Public Comment on Agenda Items:

Phil Vogel, 318 Marlboro Road
 James Laskey- Attorney, AT&T
 Curtis Caviness 41 E. Forest Avenue
 Sondra Greenberg, 449 Liberty Road
 Jeanne Hopwell 380 Liberty Road
 Joseph Clark 200 John Street

1 RESOLUTION #081-04-06-10
AUTHORIZING AWARD OF CONTRACT FOR POLICE VEHICLE REPAIR AND MAINTENANCE

WHEREAS, sealed bids were received on February 17, 2010 for Vehicle Repair and Maintenance Service in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids received were as follows:

Company	June 2010 – May 2011
S&H Auto Repair	\$50,500
Ken Smith Motors	\$53,825
Goodyear	\$56,925
Town Motors	\$47,150

WHEREAS, the bid submitted by S&H Auto Repair is in compliance with the specifications and based upon the recommendation of the Purchasing Agent, can be accepted by the City Council; and

WHEREAS, this bid is awarded according to a fair and open process pursuant to PL 2004, c.19;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the base bid submitted by S&H Auto Repair 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 S&H Auto Repair for Vehicle Repair in accordance with the specifications therefore.

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

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>				X	
<i>Rosenzweig</i>		X			
<i>Bennett Schoen</i>	X	X			
<i>Drakeford</i>			X		
<i>Reddin</i>		X			

RESOLUTION #082-04-06-10
AUTHORIZING AWARD OF CONTRACT FOR POOL MANAGEMENT

WHEREAS, sealed bids were received on March 18, 2010 for Pool Management in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids received were as follows:

Company	Base Bid
American Leisure Corporation Nanuet, NY 10954	\$90,000 2010 \$90,000 2011

WHEREAS, the bid submitted by American Leisure Corporation is in compliance with the specifications and based upon the recommendation of the Purchasing Agent, can be accepted by the City Council; and

WHEREAS, this bid is awarded according to a fair and open process pursuant to PL 2004, c.19;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the base bid submitted by American Leisure Corporation 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 American Leisure Corporation for Pool Management in accordance with the specifications therefore.

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

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>				X	
<i>Rosenzweig</i>		X			
<i>Bennett Schoen</i>	X	X			
<i>Drakeford</i>			X		
<i>Reddin</i>		X			

**RESOLUTION #083-04-06-10
AUTHORIZING AWARD OF CONTRACTS FOR RECREATION BUS SERVICE**

WHEREAS, sealed bids were received on March 18, 2010 for Recreation Bus Service in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids received were as follows:

Company	Base Bid
Academy Express 111 Paterson Avenue Hoboken, NJ 07030	\$41,350.00
Vanderhoof Transportation 18 Wilfred Street West Orange, NJ 07052	\$27,807.00
First Student 170 South Dean Street Englewood, NJ 07631	\$19,098.00
Trans-Ed 1 Jefferson Street Passaic, NJ 07055	\$13,599.58

WHEREAS, the bid submitted by First Student is in compliance with the specifications and based upon the recommendation of the Purchasing Agent, can be accepted by the City Council; and

WHEREAS, this bid is awarded according to a fair and open process pursuant to PL 2004, c.19;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the base bid submitted by First Student 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 First Student for Recreation Bus Service in accordance with the specifications therefore.

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

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>				X	
<i>Rosenzweig</i>		X			
<i>Bennett Schoen</i>	X	X			
<i>Drakeford</i>			X		
<i>Reddin</i>		X			

RESOLUTION #084-04-06-10
AUTHORIZING AWARD OF CONTRACTS FOR COACH BUS SERVICE

WHEREAS, sealed bids were received on March 18, 2010 for Coach Bus Service in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids received were as follows:

Company	Base Bid
Academy Express 111 Paterson Avenue Hoboken, NJ 07030	\$28,800.00
Vanderhoof Transportation 18 Wilfred Street West Orange, NJ 07052	\$25,032.00

WHEREAS, the bid submitted by Vanderhoof Transportation is in compliance with the specifications and based upon the recommendation of the Purchasing Agent, can be accepted by the City Council; and

WHEREAS, this bid is awarded according to a fair and open process pursuant to PL 2004, c.19;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the base bid submitted by Vanderhoof Transportation 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 Vanderhoof Transportation for Coach Bus Service in accordance with the specifications therefore.

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

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>				X	
<i>Rosenzweig</i>		X			
<i>Bennett Schoen</i>	X	X			
<i>Drakeford</i>			X		
<i>Reddin</i>		X			

RESOLUTION #085-04-06-10
PARKING AREA EASEMENT AGREEMENT

WHEREAS, an agreement has been reached between the City of Englewood and Englewood Terrace LLC - Towne Center in regard to the Parking Area Easement; and

WHEREAS, the City Manager is recommending that the attached Parking Area Easement Agreement be accepted and fully executed; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the recommendation of the City Manager is accepted and the Manager is hereby authorized to execute the attached agreement.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>				X	
<i>Rosenzweig</i>		X			
<i>Bennett Schoen</i>	X	X			
<i>Drakeford</i>			X		
<i>Reddin</i>		X			

RESOLUTION #086-04-06-10

AUTHORIZE AN AGREEMENT WITH AT&T TO INSTALL COMMUNICATIONS FACILITIES

WHEREAS, AT&T Corp. is seeking to install communications facilities along, under and over the public right-of-way in order to provide communications services to the public in the City of Englewood; and

WHEREAS, the City Manager is recommending that the attached Agreement be accepted and fully executed; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the recommendation of the City Manager is accepted and the Manager is hereby authorized to execute the attached agreement.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>				X	
<i>Rosenzweig</i>		X			
<i>Bennett Schoen</i>	X	X			
<i>Drakeford</i>			X		
<i>Reddin</i>		X			

RESOLUTION #087-04-06-10

AUTHORIZE REJECTION OF BID

WHEREAS, sealed bids were received on March 18, 2010, for "DPW Uniforms", in accordance with specifications therefore and following public advertisement thereof pursuant to law; and

WHEREAS, one vendor's bid was properly received but sent to an incorrect location and was not included at the opening; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that all the bids received for "DPW Uniforms" are hereby rejected and that the "DPW Uniforms" be rebid in accordance with specifications therefore and following public advertisement thereof pursuant to law.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>				X	
<i>Rosenzweig</i>		X			
<i>Bennett Schoen</i>	X	X			
<i>Drakeford</i>			X		
<i>Reddin</i>		X			

RESOLUTION #088-04-13-10

AUTHORIZING AWARD OF CONTRACT FOR REPAIR AND RECONSTRUCTION OF TENNIS AND BASKETBALL COURTS (BASE & ALTERNATE No.1)

WHEREAS, sealed bids were received on March 18, 2010 for Repair and Reconstruction of Tennis and Basketball Courts (Base & Alternate No.1) in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids were received from eight bidders listed on the attached Bid Summary Sheet; and

WHEREAS, the bid submitted by D&S Land Development, LLC, 13 Alida Place, Ramsey, New Jersey 07446 for the sum of \$240,300.00 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, this bid is awarded according to a fair and open process pursuant to PL 2004, c.19;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by D&S Land Development, LLC 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 D&S Land Development, LLC for Repair and Reconstruction of Tennis and Basketball Courts (Base & Alternate No.1) in accordance with the specifications therefore.

Funding for this project is available from Ordinance 09-13(d).

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Rosenzweig</i>					X
<i>Bennett Schoen</i>	X	X			
<i>Drakeford</i>		X			
<i>Reddin</i>		X			

RESOLUTION #089-04-06-10

Approve Temporary Emergency Appropriations

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 adoption 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, PL 1951 (N.J.S.A. 40A:4-20) including this resolution totals \$10,602,878;

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 \$10,428,893

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.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Rosenzweig</i>	X	X			
<i>Bennett Schoen</i>		X			
<i>Drakeford</i>		X			
<i>Reddin</i>		X			

RESOLUTION #090-04-06-10

Approve Temporary Emergency Appropriation- ANJEC Smart Growth Grant

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, PL 1951 (N.J.S.A. 40A:4-20) including this resolution totals \$10,619,878;

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 \$17,000

General Appropriations	
Operations Excluded from CAPS	
ANJEC Smart Growth Planning Project	\$8,000
ANJEC Smart Growth Planning – Local Match	\$9,000

BE IT FURTHER RESOLVED that emergency temporary appropriations offset by an item of revenue are hereby made in the amount of \$8,000

Miscellaneous Revenues	
Special Items of General Revenues Anticipated with Prior Written Consent of the Director of the Division of Local Government Services:	
Revenues:	
Association of NJ Environmental Commissions	
ANJEC Smart Growth Planning Project	\$8,000

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.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Rosenzweig</i>		X			
<i>Bennett Schoen</i>		X			
<i>Drakeford</i>		X			
<i>Reddin</i>		X			

RESOLUTION #091-04-06-10
Authorize Award of Contract for ANJEC Smart Growth Planning Grant Consultant

WHEREAS, the City of Englewood through the Englewood Environmental Commission was awarded a \$8,000 Smart Growth Planning Grant by the Association of New Jersey Environmental Commissions to develop an updated municipal Environmental/Natural Resource Inventory; and

WHEREAS, these funds and a local match in the amount of \$9,000 will be used in part to retain the services of the professional consultant to prepare a GIS based inventory and narrative report; and

WHEREAS, three companies responded to a Request for Proposals and following a review of the proposals and interviews by a committee represented by the Environmental Commission, the City Engineer/Planner and Flat Rock Brook Nature Association, it is recommended that a contract be awarded to Dewberry-Goodkind, Inc. to perform this work.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood, County of Bergen, State of New Jersey, hereby awards a contract in the amount of \$10,000 to Dewberry-Goodkind, Inc., 600 Parsippany Road, Parsippany, New Jersey 07054 to prepare an updated Environmental/Natural Resource Inventory report in accordance with its proposal, dated December 18, 2009.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute a contract for these services and the City Clerk to attest thereto.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Rosenzweig</i>		X			
<i>Bennett Schoen</i>		X			
<i>Drakeford</i>		X			
<i>Reddin</i>		X			

RESOLUTION #092-04-06-10
Approve Waiver of Permit Fee

WHEREAS, the Garden Club of Englewood is holding its annual plant sale at Depot Square on May 7, 2010; and

WHEREAS, the Garden Club of Englewood commits 100% of their profits back to Englewood through their civic projects such as maintaining the plant beds along Dean Street; providing plant materials, lawns, and assistance to Habitat

for Humanity families; support of the Hospital Gardens; and conducting flower arranging workshops for the seniors at SESIL; and

WHEREAS, the Garden Club of Englewood is requesting that the \$125.00 permit fee be waived to allow for even more monies to be raised for ongoing civic projects; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, New Jersey, that the \$125.00 permit fee hereby be waived for the Garden Club of Englewood's Plant Sale at Depot Square on May 7, 2010.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Rosenzweig</i>		X			
<i>Bennett Schoen</i>	X	X			
<i>Drakeford</i>		X			
<i>Reddin</i>		X			

Public Session:

- Phil Vogel, 318 Marlboro Road
- Chris Gagliardi 165 West Street- Apt D
- Helen Kiphaut, 99 Charles Street
- Joseph Clark, 200 John Street
- Charles Cobb 113 Marilyn Court
- Fatima Cash, 426 W. Ivy Lane
- Shirley Smith, 374 W. Palisade Avenue
- Curtis Caviness 41 E. Forest Avenue
- Willa Cherot, 127 W. Demarest Avenue
- Larry Reid, Current Operator of John T. Wright Arena
- Rashida Rahim, 229 W. Palisade Avenue

Resolution #093-04-06-10

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 meets in closed session to discuss the following subject matter:

Litigation – ERA v. Englewood

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.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Rosenzweig</i>		X			
<i>Bennett Schoen</i>		X			
<i>Drakeford</i>		X			
<i>Reddin</i>	X	X			

Council went into Closed Session at 11:02PM and returned to Open Session at 12:28PM

RESOLUTION # 094-04-06-10

RESOLUTION AUTHORIZING THE EXECUTION OF A JOINT DEFENSE AGREEMENT

BE IT RESOLVED by the Governing Body of the City of Englewood that the Council President is hereby authorized to execute the Joint Defense Agreement in the matter of ERA South, et al. vs. The City of Englewood, et al.; and

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to cause a brief notice to be published once in the PRESS JOURNAL newspaper stating the nature of the resolution and that same is on file and available for public inspection in the Office of the City Clerk.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Rosenzweig</i>		X			
<i>Bennett Schoen</i>		X			
<i>Drakeford</i>		X			
<i>Reddin</i>		X			

RESOLUTION # 095-04-06-10

RESOLUTION REGARDING LEGAL REPRESENTATION

BE IT RESOLVED by the Governing Body of the City of Englewood that the Law Firms of Hellring Lindeman Goldstein & Siegal and The Buzak Law Group are hereby authorized to substitute as counsel for and represent Mayor Frank Huttie with regard to the matter entitled ERA South, et al. vs. The City of Englewood, et al.; and

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to cause a brief notice to be published once in the PRESS JOURNAL newspaper stating the nature of the resolution and that same is on file and available for public inspection in the Office of the City Clerk.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Rosenzweig</i>		X			
<i>Bennett Schoen</i>		X			
<i>Drakeford</i>		X			

<i>Reddin</i>		X			
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ADJOURN: 12:30PM
Motion: Algrant
All in Favor

Lauren Vande Vaarst, RMC
City Clerk