

City of Englewood
City Council Meeting Minutes
September 7, 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.

Public Session:

Ann Dermansky 300 Katherine Street – spoke about proposed Zone Change for James Street and the 100 year old homes in the neighborhood.

Jeanne Hopewell 380 Liberty Road – thanked the City for responding quickly to her request at the last Council meeting and beginning the roadwork on Liberty Road.

Phil Vogel 318 Marlboro Road – discussed various skating programs and that they would like to introduce these in Englewood. Also suggested that the Street Cleaning schedule be clarified so that people do not park their cars on the streets to be cleaned.

Leonardo Acosta 81 Charles Street – spoke about the fire on James Street and keeping James Street for single family homes.

Julie Jeanpierre 5 James Court – asked why there are so many fires on James Street, and why is it that the Shop-Rite houses are always catching on fire? When will the fence be put back that had come down in one of the winter storms.

Luis Perez 71 Grove Street – asked how a fire investigation can be conducted when the house has already been torn down, and how does GLF get away with everything.

Fran Hoenig 127 Lake Street – spoke against GLF and what they want to do to the James Street neighborhood. Do they need permission to demolish homes?

Leonardo Acosta 81 Charles Street – concerned with the way the Fire and Police departments dealt with the James Street fire. He felt that the Police Department was slow to respond.

Betty Grossman 398 Marlboro Road – asked who is responsible for the parking lot at Shop-Rite. Concerned about safety and they do not adequately patrol the parking lot. Why doesn't the Police Department call the Building Department when they see violations?

Sandy Greenberg 449 Liberty Road – asked if the Council will put a policy forward to inform the public anytime there is going to be a zone change, especially if it is part of the Master Plan. Feels it is better to get input from the residents at the beginning of the process.

Executive Session (Committee of the Whole):

1. Vicki Sidrow, President and CEO of Vantage Health Systems, spoke about Resolution #183-09-07-10 that is on the agenda:
 - a. Their application is for a Bergen County CD HOME Grant to receiving funding that will enable them to purchase a residence for people with special needs.
 - b. The \$510,000 is their requested amount but they may receive less.

- c. They are interested in a 2-family home to house 4 individuals not a group home.
 - d. They do not know where they will be purchasing the home because they will not receive the funds until Spring 2011 and are applying in 3 different municipalities including Englewood.
 - e. The deadline for the application is October 2nd.
 - f. Vantage does realize that they may need to do a PILOT for the property, and City needs to work out an agreement before the end of the year.
2. John T. Wright Ice Arena – asked for thoughts from the Council about the Study.
 3. Korean Community Church Parking Lot Usage Request
 - a. Wants to use Lot L on Sundays 11:00am to 2:00 pm for overflow parking.
 - b. The Lot is open to the public on Sunday.
 4. Agenda Review
 5. Closed Session

RESOLUTION #179-09-07-10

RESOLUTION ACCEPTING MINUTES

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

COUNCIL MEETING
August 24, 2010

CLOSED SESSION
August 24, 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 #180-09-07-10

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 \$292,978.38.

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			

Communications from the Mayor/Council members:

Ordinances – Introduction/First Reading:

ORDINANCE #10-27

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE SUM OF \$250,000 FOR THE REASSESSMENT OF ALL REAL PROPERTY IN THE CITY OF ENGLEWOOD

WHEREAS, the City of Englewood reevaluated all real property in calendar year 2006 and the results were incorporated onto the municipal tax records for the calendar year 2007; and

WHEREAS, N.J.S.A 18:12A-1.14 et. seq. permits a reassessment of all real property within the City; and

WHEREAS, due to the prevailing real estate market conditions the City Council of the City of Englewood determines that it is in the best interests of the future of the City to have a fair and equitable reflection of present values by performing a reassessment of all real property; and

WHEREAS, N.J.S.A. 40A:4-53 authorizes a municipality to adopt an ordinance authorizing special emergency appropriations for the preparation and execution of a complete program for the reassessment of real property,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Englewood, Bergen County, New Jersey, pursuant to N.J.S.A. 40A:4-53 (Chapter 48, P.L. 1956, as amended), as follows:

Section 1. The sum of \$250,000 is hereby appropriated for the preparation and execution of a reassessment of all real property within the City of Englewood for the use of the local assessor as a special emergency appropriation as defined in and provided for in N.J.S.A. 40A:4-53.

Section 2. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least one-fifth (1/5) of the amount authorized pursuant to N.J.S.A. 40A:4-55.

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 immediately upon passage and publication as provided by law and upon the filing with the Director of the Division of Local Government Services and the Department of Community Affairs.

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

ORDINANCE #10-28

AN ORDINANCE OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF TRUCKS AND EQUIPMENT FOR THE CITY OF ENGLEWOOD DEPARTMENT OF PUBLIC WORKS AND APPROPRIATING \$810,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$770,000 IN BONDS OR NOTES OF THE CITY OF ENGLEWOOD TO FINANCE THE SAME

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Englewood, in the County of Bergen, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of money therein stated as the appropriation made for the improvement or purpose, such sum amounting to \$810,000 including the sum of \$40,000 as the down payment for the improvement or purpose required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$770,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the bonds or notes are to be issued is the acquisition of equipment and trucks for the City's Department of Public Works, including, but not limited to, roll off truck with snow plows, four wheel drive dump trucks with snow plows, multi use tractor with V-plow and salt spreader, and a brine storage tank and pumping system, and including all work and materials necessary therefore or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be

conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the 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 notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the City may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the City Clerk, and a complete executed duplicate 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. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,243,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$250,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The City reasonably expects to commence acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. After passage upon first reading of this bond ordinance, the City Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The City Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the City Council, the City Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The City Council of the City hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated there under (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required there under.

Section 12. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law

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

ORDINANCE #10-29

AN ORDINANCE AUTHORIZING AN EXTENSION OF A LEASE WITH

THE HENRY DOUGLAS POST #58 AMERICAN LEGION FOR LOT 5.01 IN BLOCK 2208

WHEREAS, the City in 1986 entered into a 25 year lease agreement with the Henry Douglas Post #58 American Legion ("American Legion") for property identified a Lot 5.01 in Block 2208 on the Tax Map of the City of Englewood; and

WHEREAS, American Legion has complied with the terms of the lease and continued to use the property for parking or passive recreational purposes in conjunction with the use of the adjoining premises (Lot 4) as a Post of the American Legion; and

WHEREAS, American Legion has expressed a desire to have the lease term which expires on December 31, 2010, extended and the City Administration finds that it would be in the best interests of the citizens of the City to approve this request; and

WHEREAS, the New Jersey Local Lands and Buildings Law (N.J.S.A. 40A:12-15 (3)) permits the leasing of public property for the housing, recreation, education or health care of veterans of any war of the United States to any non-profit corporation or association for a term not in excess of 50 years and an extension of an additional 25 years.

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 property, identified as Lot 5.01 in Block 2208, with the Henry Douglas Post #58 American Legion is hereby extended for an additional twenty-five years with a term to expire on December 31, 2035, at an annual rent of One (\$1.00) Dollar per annum, on the same terms and conditions as are contained in the original lease, dated January 1, 1986.

Section 2. The City Attorney is hereby authorized to prepare the necessary lease extension agreement to effectuate this action and the City Manager is authorized to execute and the City Clerk to attest the agreement.

Section 3. This ordinance shall take effect upon final adoption and publication according to law.

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

Public Comment on Agenda Items:

Cornelia Rogers 141 Humphrey Street – asked a question regarding Resolution # 180-09-07-10, regarding an item on the Bills & Claims list.

Helen Kiphaut 99 Charles Street – asked whether the roadwork being awarded in Resolution # 184-09-07-10 will include work on the traffic lights on Knickerbocker, which experience a high number of outages.

Rowan Clarke 304 Rosemont Place – asked if the roadwork on Rosemont Place was awarded and when it will start.

Shirley Green 198 Central Avenue – spoke about garbage and recycling pickups conflicting with Holidays.

Charles Cobb 113 Marilyn Court – asked if there is a safety issue regarding a tree will the City inform the resident that their tree has to be remediated.

RESOLUTION #172-08-24-10 AMENDED

AUTHORIZATION TO ENTER INTO A GRANT AGREEMENT WITH BERGEN COUNTY FOR COMMUNITY DEVELOPMENT FUNDS FOR STREET IMPROVEMENTS ON DECATUR AVENUE, HIRLIMAN ROAD AND THIRD STREET

WHEREAS, the City Council of the City of Englewood wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$183,336 in Community Development funds for Street Improvements (Decatur Avenue, Hirliman Road, Third Street) in the City of Englewood;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood authorizes the City Manager to be a signatory to the aforesaid project and to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED that the City Council recognized that the city of Englewood is liable for any funds not spent in accordance with the Grant Agreement and that such liability is in accordance with HUD requirements.

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 #181-09-07-10

**Authorize Flat Rock Brook Nature Association Application for
Bergen County CD Block Grant of \$16,000
to support environmental education programs
for the Englewood Public School District**

WHEREAS, a Bergen County Community Development grant of \$16,000 has been proposed by the Flat Rock Brook nature Association for environmental education programs for Englewood Public School District students in the City of Englewood; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the City Council; and

WHEREAS, the aforesaid project is in the best interest of the people of Englewood; and

WHEREAS, this resolution does not obligate the financial resources of the City and is intended solely to expedite expenditure of the aforesaid Community Development funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

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 #182-09-07-10

**AWARD PROFESSIONAL SERVICES CONTRACT TO BUSINESS SYSTEMS UNLIMITED
FOR COMPUTER MAINTENANCE AND REPAIR**

WHEREAS, the Police Department of the City of Englewood requires a qualified computer systems analyst to oversee the functional operation of all computer software and hardware; install and maintain all necessary and required software; maintain compliance with all county, state and federal requirements; perform routine performance evaluations of equipment; recommend for purchase system hardware to maintain acceptable working standard; and

WHEREAS, on the recommendation of the Chief of Police, the City Council has determined, that based on upon their professional experience, expertise and reputation, to award a contract for such services to Business Systems Unlimited, 146 Van Nostrand Ave. Englewood, NJ 07631 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 \$45,800 in the 2010 operating year for the following services; and

- Loading and imaging workstations \$12,500
- Routine maintenance on system server and hardware \$16,000
- Troubleshooting and repair \$11,000
- Consulting \$3,500
- Software installation \$2,800

WHEREAS, Business Systems Unlimited 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; 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 Business Systems Unlimited to provide professional computer systems services, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and Business Systems Unlimited to conduct complete maintenance of the computer infrastructure (to include all county, state, and local components); evaluate and troubleshoot all computer related problems; evaluate and develop technical specifications for the computer infrastructure for the Englewood Police Department;

BE IT FURTHER RESOLVED, that a copy of this resolution, together with a copy of the Agreement and 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 Press Journal 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.

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 #183-09-07-10

**AUTHORIZE VANTAGE HEALTH SYSTEM, INC.
APPLICATION FOR BERGEN COUNTY
COMMUNITY DEVELOPMENT HOME PROGRAM GRANT FUNDS**

WHEREAS, a Bergen County Community Development grant of up to \$510,000 has been proposed by Vantage Health System, Inc. for the purposes of providing affordable housing by purchasing a one or two family home for use by up to five disabled individuals in the City of Englewood, NJ; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the City Council; and

WHEREAS, the aforesaid project is in the best interest of the people of Englewood; and

WHEREAS, this resolution does not obligate the financial resources of the City and is intended solely to expedite expenditure of the aforesaid Community Development funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

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			
<i>Huttle</i>		X			

1RESOLUTION #184-09-07-10

**AUTHORIZING AWARD OF CONTRACT
FOR KNICKERBOCKER ROAD RECONSTRUCTION PROJECT**

WHEREAS, sealed bids were received on September 2, 2010 for the Knickerbocker Road Reconstruction Project in

accordance with specifications therefore and following public advertisement; and

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

WHEREAS, the bid submitted by New Prince Concrete Construction Co., Inc., 215 Elleen Terrace, Hackensack, New Jersey 07601 for the sum of \$1,659,217.00 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. and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by New Prince Concrete Construction Co., 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 New Prince Concrete Construction Co., Inc. for the Knickerbocker Road Reconstruction Project 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.

Funding for this project is available from the following sources:

Ordinance 09-13(b)

Ordinance 10-18

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 #185-09-07-10

**AUTHORIZING AWARD OF CONTRACT
FOR 2010 ROAD IMPROVEMENT PROJECT**

WHEREAS, sealed bids were received on September 2, 2010 for the 2010 Road Improvement Project in accordance with specifications therefore and following public advertisement; and

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

WHEREAS, the bid submitted by Tilcon New York, Inc., 625 Mt. Hope Road, Wharton, New Jersey 07885 for the sum of \$665,607.75 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. and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by Tilcon New York, 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 Tilcon New York, Inc. for the 2010 Road Improvement Project 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.

Funding for this project is available from the following source:

Ordinance 10-18

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 #186- 09 - 07-10

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 meet in closed session to discuss the following subject matter:

Litigation & Personnel

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.
- (X) Sub-section 8 dealing concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof.
- () Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license.

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

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

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 9:50PM and returned to Open Session at 10:50PM

ADJOURN: 10:50PM

Motion: Scott Reddin
All in Favor

Lauren Vande Vaarst, RMC
City Clerk