

# City of Englewood City Council Meeting Minutes

## January 18, 2011

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 member Michael Cohen  
 Council member Scott Reddin  
 Council member Jack Drakeford  
 Council member Lynne Algrant  
 Mayor / Council President Frank Huttle III  
 City Manager Daniel Fitzpatrick  
 Assistant City Manager Robert Gorman  
 City Solicitor William Bailey  
 City Clerk Lauren Vande Vaarst

Absent: Council member Ken Rosenzweig

Council President Huttle 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.

### **RESOLUTION #027-01-18-11**

#### RESOLUTION ACCEPTING MINUTES

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

COUNCIL MEETING  
January 4, 2011

COUNCIL WORKSHOP  
January 11, 2011

CLOSED SESSION  
January 11, 2011

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

### **RESOLUTION #028-01-18-11**

#### 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 \$933,381.69.

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

**Moment of Silence:**

In Remembrance of the Victims of the Tuscan, Arizona Tragedy  
 In Honor of the Memory of Martin Luther King Jr.

**Communications from the Mayor/Council Members:**

**Public Comment on Agenda Items:**

Elle Kelly 350 Shepard Avenue – Commented on Resolution #031, and that he was glad to see the City Council supporting the Vincente K. Tibbs Center. Asked how Englewood can get free Pre-K programs for its children like Jersey City. Also said that Englewood needs to go after more money from Homeland Security to cover our responsibilities for the I-95 corridor.

**RESOLUTION #029-01-18-11**

**AMEND SCHEDULE OF HOLIDAYS FOR 2011**

**WHEREAS**, the City of Englewood 2011 Holiday Schedule previously approved as Resolution # 002-01-04-11 is hereby amended to include the addition of Monday, January 2, 2012 New Year’s Day (Observed) which is listed in the schedule below in bold.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood that the following amended schedule of holidays for **2011** is approved and declared public holidays, and are applicable in so far as City activities and City employees are concerned:

<u>MONTH</u>	<u>DATE</u>	<u>DAY</u>	<u>HOLIDAY</u>
January	17	Monday	Martin Luther King’s Birthday
February	11	Friday	Lincoln’s Birthday (Observed)
February	21	Monday	Presidents’ Day
April	22	Friday	Good Friday
May	30	Monday	Memorial Day
July	4	Monday	Independence Day
September	5	Monday	Labor Day
October	10	Monday	Columbus Day
November	8	Tuesday	Election Day
November	11	Friday	Veteran’s Day
November	24	Thursday	Thanksgiving Day
December	26	Monday	Christmas Day (Observed)
<b>January</b>	<b>2</b>	<b>Monday</b>	<b>New Year’s Day (Observed)</b>

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

**RESOLUTION # 030-01-18-11**

**RENEWAL OF LIQUOR LICENSES FOR 2010-2011**

**BE IT RESOLVED** by the City Council of the City of Englewood that the City Clerk is hereby directed to sign, issue, and deliver Alcoholic Beverage license(s) to each of the persons, associations, firms, corporations, or clubs listed below; and to be effective only at the locations set forth after their respective names for the period beginning July 1, 2010 at 12:01 AM and ending June 30, 2011 at 12:00 midnight; and

**BE IT FURTHER RESOLVED** that a periodic review of all liquor licenses will be conducted during the 2010-2011 license year.

**PLENARY RETAIL DISTRIBUTION LICENSE #44**

0215-33-023-004

ERA Hospitality, LLC (*Inactive*)

(No Address on File)

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

**RESOLUTION #031-01-18-11**

**AUTHORIZING PUBLIC DONOR AGREEMENT  
WITH VINCENTE K. TIBBS CHILD DEVELOPMENT CENTER**

**WHEREAS**, the Vincente K. Tibbs Child Development Center is the Provider Agency which delivers needed social services, including the operation of a child care center, to the community and its residents; 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 policies of the New Jersey Department of Human Services establish that resources may be donated by a public donor in the form of cash or an 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 Child Development Center to support services provided by this Center;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Englewood, County of Bergen, hereby authorizes the execution of a Public Donor Agreement with the Vincente K. Tibbs Child Development Center in the amount of \$58,413 for 2011 subject to budgetary appropriations.

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

**RESOLUTION # 032-01-18-11**

**AWARDING BID FOR LEASE OF PROPERTY AT  
136 CEDAR LANE FOR CELLULAR COMMUNICATIONS USE**

**WHEREAS**, Ordinance No. 10-35 authorized the lease of a portion of Lot 2 in Block 2604 (136 Cedar Lane) for the location of a cellular communications tower; and

**WHEREAS**, the City advertised for bids pursuant to the Local Lands and Building Law; and

**WHEREAS**, one bid was received on December 22, 2010 from the existing tenant which satisfies all of the bid requirements and exceeded the minimum bid amount for annual rent.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, County of Bergen, State of New Jersey, that the bid for the lease of a portion of Lot 2 in Block 2604 be awarded to New Cingular Wireless PCS, LLC (AT&T) at an initial annual rent in the amount of \$43,500.

**BE IT FURTHER RESOLVED** that the City Manager and City Clerk are authorized to execute a lease agreement upon final preparation by the City Attorney

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

**RESOLUTION #033-01-18-11**

**APPOINT CITY SOLICITOR**

**WHEREAS**, the City of Englewood requires professional legal services for the 2011 operating year; and

**WHEREAS**, on the recommendation of the City Manager, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to William J. Bailey, Esquire of Huntington Bailey with offices at 312 Kinderkamack Road, Westwood, New Jersey 07675, 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 exceed \$17,500 in the 2011 operating year: and

**WHEREAS**, William J. Bailey, Esquire has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure Form certifying that the firm has not made or will make any reportable contributions that would bar the award of this contract under the provisions of N.J.S.A. 19:44A-1 et seq. and City of Englewood Ordinance No. 07-31; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to William J. Bailey, Esquire to provide professional legal services, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and William J. Bailey, Esquire for a period of one year beginning January 1, 2011 and ending December 31, 2011.

**BE IT FURTHER RESOLVED**, that a copy of the within resolution, together with a copy of the Agreement and that the Business Disclosure Entity Certification and the Determination of Value, be on file in the Office of the City Clerk and be available for public inspection during regular business hours; and

**BE IT FURTHER RESOLVED**, that the City Clerk is hereby authorized to cause a brief notice to be published once in the 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
<i>Cohen</i>		X			
<i>Drakeford</i>		X			
<i>Reddin</i>	X	X			

**RESOLUTION #034-01-18-11**

**APPOINT MUNICIPAL AUDITOR**

**WHEREAS**, the City of Englewood requires professional municipal auditor for the 2011 operating year; and

**WHEREAS**, on the recommendation of the City Manager, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to Suplee, Clooney & Company, with offices at 308 East Broad Street, Westfield, New Jersey 07090-2122, 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 exceed \$17,500 in the 2011 operating year: and

**WHEREAS**, the firm has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure Form certifying that the firm has not made or will make any reportable contributions that would bar the award of this contract under the provisions of N.J.S.A. 19:44A-1 et seq. and City of Englewood Ordinance No. 07-31; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to Suplee, Clooney & Company to provide professional municipal auditing and any other required financial advisory services, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and Suplee, Clooney & Company to perform the FY 2011 municipal audit and related services.

**BE IT FURTHER RESOLVED**, that a copy of the within resolution, together with a copy of the Agreement and that the Business Entity Disclosure Certification and the Determination of Value, be on file in the Office of the City Clerk and be available for public inspection during regular business hours; and

**BE IT FURTHER RESOLVED**, that the City Clerk is hereby authorized to cause a brief notice to be published once in the 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
<i>Cohen</i>		X			
<i>Drakeford</i>		X			
<i>Reddin</i>	X	X			

**RESOLUTION #035-01-18-11**

**APPOINT REAL ESTATE APPRAISER**

**WHEREAS**, the City of Englewood requires the services of professional real estate appraisal services for tax appeals and related matters during the 2011 operating year; and

**WHEREAS**, on the recommendation of the City Manager, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to McNerney & Associates with offices at 266 Harristown Road, Glen Rock, New Jersey 07452, 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 exceed \$17,500 in the 2011 operating year: and

**WHEREAS**, the firm has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure Form certifying that the firm has not made or will make any reportable contributions that would bar the award of this contract under the provisions of N.J.S.A. 19:44A-1 et seq. and City of Englewood Ordinance No. 07-31; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available to award this contract and a copy of

said certification is on file in the office of the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to McNerney & Associates to provide professional real estate appraisal services, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and McNerney & Associates for a period of one year beginning January 1, 2011 and ending December 31, 2011.

**BE IT FURTHER RESOLVED**, that a copy of the within resolution, together with a copy of the Agreement and that the Business Disclosure Entity Certification and the Determination of Value, be on file in the Office of the City Clerk and be available for public inspection during regular business hours; and

**BE IT FURTHER RESOLVED**, that the City Clerk is hereby authorized to cause a brief notice to be published once in the 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
<i>Cohen</i>		X			
<i>Drakeford</i>		X			
<i>Reddin</i>	X	X			

**RESOLUTION #036-01-18-11**

**AUTHORIZING APPOINTMENT OF ASSISTANT CITY SOLICITOR (PROSECUTOR)**

**BE IT RESOLVED**, by the City Council of the City of Englewood, Bergen County, State of New Jersey; that the following appointment, pursuant to P.L. 2004 c. 19, is confirmed commencing January 1, 2011 through December 31, 2011 and the City Manager is hereby authorized to execute the appropriate appoint letter:

Assistant City Solicitor (Prosecutor)

Gerald Oratio

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

**RESOLUTION #037-01-18-11**

**AUTHORIZING APPOINTMENT OF PUBLIC DEFENDER**

**BE IT RESOLVED**, by the City Council of the City of Englewood, Bergen County, State of New Jersey; that the following appointment, pursuant to P.L. 2004 c. 19, is confirmed commencing January 1, 2011 through December 31, 2011 and the City Manager is hereby authorized to execute the appropriate appoint letter:

Public Defender

Aishaah Rasul

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

**RESOLUTION #038-01-18-11**

**AUTHORIZING APPOINTMENT OF CODE ENFORCEMENT ATTORNEY**

**BE IT RESOLVED**, by the City Council of the City of Englewood, Bergen County, State of New Jersey; that the following appointment, pursuant to P.L. 2004 c. 19, is confirmed commencing January 1, 2011 through December 31, 2011 and the City Manager is hereby authorized to execute the appropriate appoint letter:

Code Enforcement Attorney

Carl Beckwith

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

**Presentation of Budget:**

Dan Fitzpatrick, City Manager presented the 2011 Budget to the City Council. Provided an overview of the Budget message and chart attachments.

The total Budget for 2011 is \$60,689,180.00 and does not increase the municipal tax, and also meets the mandated State 2% cap tax levy.

**Public Session:**

Elle Kelly 350 Shepard Avenue – In regard to the Budget, he asked how the City will pay the Board of Education the money it owes them. Discussed the DPW garbage pickup schedule in regard to the Bulk Schedule pickups. Feels that the Englewood Police Department writes too many tickets on Palisade Avenue and picks on the little guy. They need to be going after the commercial and school buses as well as delivery trucks that are not following the traffic laws. Also mentioned that the brick sidewalks at the Monument are sinking. Does not like the way the City treats its Veterans. The City should not be telling the Veterans organizations that they cannot open up on weekends when there are holidays.

Warren Newman 143 Engle Street – complained that Engle Street was not plowed curb to curb and as a result 48 parking spaces, located between Demarest and Chestnut, were unavailable to residents. The residents there do not park on the street during a snowstorm and were not in the way of the plows.

Paulette Nardi, President of the Englewood Volunteer Ambulance Corps (EVAC) – asked why funding was eliminated to the Ambulance Corps in the City Manager's 2011 Budget.

Laurance Powell 469 Tenafly Road – is a lifetime member of EVAC, and suggested that the Council thinks outside the box in regard to the Budget. A hybrid type of situation with volunteers and paid EMS may be a solution.

Aaron Wilson 165 Central Avenue – feels that the Council needs to examine the presented Budget carefully, and should be more concerned with correctness rather than deadlines. Was pleased with the snow removal, but does feel that there is always room for improvement.

Alva Jones 87 DuBois Court - DPW did a good job with the snow removal but the garbage was not picked up and that is a problem. Spoke about the Martin Luther King Jr. Day ceremony at Ebenezer Baptist Church on Monday and asked why some of the City's elected officials were not there.

**ADJOURN: 9:30PM**

Motion: Algrant  
All in Favor

---

Lauren Vande Vaarst, RMC  
City Clerk