

**City of Englewood  
City Council Meeting Minutes  
February 21, 2012**

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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 Marc Forman  
 Council member Michael Cohen  
 Council member Eugene Skurnick  
 Council member Jack Drakeford  
 Council member Lynne Algrant  
 Mayor / Council President Frank Huttle III  
 City Manager Timothy Dacey  
 City Solicitor William Bailey  
 City Clerk Lauren Vande Vaarst

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 #059-02-21-12**

**RESOLUTION ACCEPTING MINUTES**

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

COUNCIL MEETING  
January 24, 2012

COUNCIL WORKSHOP MEETING  
February 7, 2012

CLOSED SESSION  
January 10, 2012  
January 24, 2012  
February 7, 2012

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

**RESOLUTION #060-02-21-12**

**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 \$2,034, 809.29.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			

Cohen		X			
Drakeford		X			

**Old Business:**

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

Mayor Huttel congratulated Councilman Jack Drakeford for having been honored by the New Jersey State Legislature during the Black History Month/ Martin Luther King Jr. Celebration on February 16, 2012.

**Comments from the City Manager:**

The next Budget Workshop will be February 23<sup>rd</sup> at 6:00PM in the City hall Conference Room. It will be followed by the Route 4 Special Assessment meeting at 8:00PM.

The Jabari Society Dinner is Saturday, February 25<sup>th</sup>.

The final E-ticket equipment is being installed in police vehicles and the program should be up and running very soon.

The Mayor and Council can expect to see a revised Fee ordinance in March.

The City received word that the temporary workers can remain through mid-March.

In regard to the Budget; Mr. Dacey recommended not to close the Ice Rink, not to increase Recreation fees, adding a new soccer field and to transfer operation of the Tryon Pool to the Englewood Public School District. Last summer as per pool records there were virtually no swimmers at Tryon Pool.

**ORDINANCE #12-05**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2012  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the City Council of the City of Englewood in the County of Bergen finds it advisable and necessary to increase its CY 2012 Budget CAP Allowance by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the City Council of the City of Englewood hereby determines that a 3.5% increase in the Budget CAP Allowance for said year, amounting to \$465,024 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the City Council of the City of Englewood hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the City Council of the City of Englewood, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 Budget year, the CAP Allowance Appropriations of the City of Englewood shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased to 3.5 %, amounting to \$465,024 and that the CY 2012 Municipal Budget for the City of Englewood be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption; and

**BE IT FURTHER ORDAINED**, this ordinance shall take effect ten (10) days after the publication thereof after its final passage, as required by law, and except as otherwise provided in N. J. S. A. 40:49-7 to 9.

**FIRST READING DATE: February 21, 2012**

COUNCIL	MOTION	VOTE
Algrant	X	Y
Forman		Y
Skurnick		Y
Cohen		Y
Drakeford		Y

**ORDINANCE NO. 12-06**

**AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE SUM OF \$90,000 FOR THE PREPARATION OF A MASTER PLAN FOR THE CITY OF ENGLEWOOD**

**WHEREAS**, the City of Englewood last revised their Master Plan in calendar year 2009; and

**WHEREAS**, the 2010 US Census took place after the adoption of the 2009 Master Plan and that coupled with numerous properties designated as redevelopment zones within the City of Englewood has resulted in a need to revisit the Master Plan before the periodic review as required by N.J.S.A 40:55D-89; and

**WHEREAS**, N.J.S.A. 40A:4-53 authorizes a municipality to adopt an ordinance authorizing special emergency appropriations for the engagement of special consultants for the preparation of a master plan,

**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 \$90,000 is hereby appropriated for the engagement of a special consultant for the preparation of a master plan for the City of Englewood 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.

**FIRST READING DATE: February 21, 2012**

COUNCIL	MOTION	VOTE
Algrant		Y
Forman		Y
Skurnick	X	Y
Cohen		Y
Drakeford		Y

**ORDINANCE #12-07**

**AN ORDINANCE ADOPTING DEVELOPMENT APPLICATION FORMS**

**WHEREAS**, the City has endeavored to develop and implement a user friendly and comprehensive format for which applicants can apply to the respective City Boards, Commissions, Building and related departments with respect to land use, zoning, signage, real estate development and other applications pertaining to thereto; and

**WHEREAS**, an Ad Hoc Committee within the City of Englewood was formed to analyze, create and where appropriate revise development application forms in order to achieve these objectives.

**NOW THEREFORE BE IT ORDAINED** by the Governing Body of the City of Englewood, the application forms, check list, schedules and related documents annexed hereto as Appendix A are hereby duly adopted and incorporated within the City of Englewood's Municipal Land Use Ordinance; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED** that any other Ordinance or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency. If any sentence, section, clause or other portion of this Ordinance or the application thereof to any person or circumstance shall for any reason be adjudged by a Court of competent jurisdiction to be invalid, it shall not impair or repeal the remainder of this Ordinance.

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

**FIRST READING DATE: February 21, 2012**

COUNCIL	MOTION	VOTE
Algrant		Y
Forman		Y
Skurnick	X	Y
Cohen		Y
Drakeford		Y

**ORDINANCE NO. 12-08**

**AN ORDINANCE REQUIRING PRIVATE STORM DRAIN INLET  
RETROFITTING IN THE CITY OF ENGLEWOOD**

**SECTION I. Purpose:** An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system operated by the City of Englewood so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**SECTION II. Definitions:** For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

a. Municipal separate storm sewer system (MS4)— a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the City of Englewood or other public body, and is designed and used for collecting and conveying stormwater.

b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

c. Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

d. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**SECTION III. Prohibited Conduct:** No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in Section IV below prior to the completion of the project.

**SECTION IV. Design Standard:** Storm drain inlets identified in Section III above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section V.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

3. This standard does not apply:

a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practically be overcome by using additional or larger storm drain inlets that meet these standards;

b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

ii. A bar screen having a bar spacing of 0.5 inches.

c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

**SECTION V. Enforcement:** This ordinance shall be enforced by the Office of the City Engineer of the City of Englewood

**SECTION VI. Penalties:** Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500 for each storm drain inlet that is not retrofitted to meet the design standard.

**SECTION VII. Severability:** Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION VIII. Effective date:** This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

**FIRST READING DATE: February 21, 2012**

COUNCIL	MOTION	VOTE
Algrant	X	Y
Forman		Y
Skurnick		Y
Cohen		Y
Drakeford		Y

## **ORDINANCE NO. 12-09**

### **AN ORDINANCE REQUIRING THE COVERING OF DUMPSTERS IN THE CITY OF ENGLEWOOD**

**SECTION I. Purpose:** An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the City of Englewood and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**SECTION II. Definitions:** For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the City of Englewood or other public body, and is designed and used for collecting and conveying stormwater.

b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**SECTION III. Prohibited Conduct:** Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the City of Englewood.

**SECTION IV. Exceptions to Prohibition:**

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

**SECTION V. Enforcement:** This ordinance shall be enforced by the Property Maintenance Division of the Building Department of the City of Englewood

**SECTION VI. Penalties:** Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$300 per day for the violation.

**SECTION VII. Severability:** Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION VIII. Effective date:** This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

**FIRST READING DATE:**

COUNCIL	MOTION	VOTE
Algrant	X	Y
Forman		Y
Skurnick		Y
Cohen		Y
Drakeford		Y

**ORDINANCE #12-01**

**AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 1 SOLID WASTE DISPOSAL AND RECYCLING, SECTION 12-4 OF THE HEALTH & SANITATION ORDINANCE OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD**

**WHEREAS**, Chapter 12, Article 1, Section 12-4 restricts the location of containers for garbage, rubbish, and recycling and ashes within the City of Englewood for residential properties; and

**WHEREAS**, the Governing Body of the City of Englewood wishes to amend the aforesaid Section to modify the location of containers for residential properties.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Englewood, Bergen County, New Jersey, that Chapter 12, Article 1, Section 12-4 is hereby amended as follows:

**12-4. Location of containers**

(a) With respect to residential premises, containers for garbage and rubbish and ~~ashes~~ shall be placed in a convenient location where the containers can be reached by City personnel without undue effort or hazard and shall conform to the following requirements:

(1) Collections of residential garbage and rubbish ~~and ashes shall be made at the rear~~ shall be made at the curb between the sidewalk area and the curb in front of each building in accordance with the provisions of section 12-5; however where there is no sidewalk the collection shall be made on the residential property in close proximity to the roadway. ~~However, where conditions require it, collections may be made at the front of buildings upon approval by the Director of Public Works.~~

(2) Collections of residential recycling materials ~~rubbish and properly bundled newsprint and other required recycling materials~~ shall be made at the curb between the sidewalk area and the curb in front of each building in accordance with the provisions of section 12-5.

(3) Except as otherwise provided, all ~~newsprint and other~~ required recyclable materials placed at curbside become the property of the City and it shall be unlawful for any other person or persons to pick up newsprint and other required recyclable materials from the curbside.

(b) Collection of commercial and industrial garbage and rubbish shall be made at the rear of the business establishment wherever possible, and if not possible shall be made at the curb in front of the establishment only in accordance with the provisions of section 12-5.

(c) Refuse or other trash shall not be placed in the street or roadway, nor shall any refuse, garbage, or other discarded object or collection container be placed upon the sidewalk so as to obstruct or interfere with pedestrian passage while such waste is awaiting collection.

(d) In the event heavy snow or ice conditions make the collection inaccessible to City personnel, except by undue effort or hazard, it shall be the obligation and responsibility of the property owner, lessee, tenant, occupant, or other person having charge

of any lot or building, or part thereof, to make or cause to be made a path to and from the said container of items to be disposed of by City personnel.

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

**First Reading: January 24, 2012**

COUNCIL	MOTION	VOTE
Algrant	X	Y
Forman		Y
Skurnick		Y
Cohen		Y
Drakeford		Y

DATE PUBLISHED IN THE RECORD: February 6, 2012

DATES PUBLIC HEARINGS HELD: February 21, 2012

DATE SECOND READING HELD: February 21, 2012

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant		Y		Y		Y
Forman		Y		Y		Y
Skurnick		Y		Y		Y
Cohen		Y		Y		Y
Drakeford	X	Y	X	Y	X	Y

**Public Hearing – Ordinance # 12-01:**

Curtis Caviness 41 E. Forest Avenue:

- o Feels that Ordinance # 12-01 should not be a separate ordinance and should be a part of Ordinance #12-09.

**ORDINANCE #12-02**

**AN ORDINANCE FIXING SALARIES OF THE SUPERIOR OFFICERS OF THE FIRE DEPARTMENT OF THE CITY OF ENGLEWOOD EFFECTIVE FOR THE YEARS 2010, 2011, 2012, AND 2013**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ENGLEWOOD, BERGEN COUNTY, NEW JERSEY,** as follows:

**Section 1.** The annual base salaries for those Superior Officers of the Fire Department of the City of Englewood hereinafter listed shall be as follows, effective as of the years and dates indicated below:

For all Officers serving in the rank of Lieutenant or Captain at March 30, 2007				
	1/1/2010	1/1/2011	1/1/2012	1/1/2013
<b>Lieutenant</b>				
Step 1	98,690	100,170	101,673	103,706
Step 2	109,195	110,833	112,495	114,745
Step 3	111,797	113,474	115,176	117,480
<b>Captain</b>				
Step 1	115,084	116,810	118,562	120,934
Step 2	117,086	118,842	120,625	123,037
Step 3	119,804	121,601	123,425	125,894

For all individuals promoted to the rank of Officer after March 30, 2007				
	1/1/2010	1/1/2011	1/1/2012	1/1/2013
<b>Lieutenant</b>				
Step 1	98,690	100,170	101,673	103,706

Step 2	101,967	103,497	105,049	107,150
Step 3	105,244	106,823	108,425	110,593
Step 4	108,520	110,148	111,800	114,036
Step 5	111,797	113,474	115,176	117,480
<b>Captain</b>				
Step 1	115,084	116,810	118,562	120,934
Step 2	116,264	118,008	119,778	122,174
Step 3	117,444	119,206	120,994	123,414
Step 4	118,624	120,403	122,209	124,654
Step 5	119,804	121,601	123,425	125,894

**Section 2.** Fringe benefits, including medical insurance and all other elements of compensation shall be paid as specified in the collective negotiation agreement between the City of Englewood and the Fire Officers Group. The City Manager is hereby authorized to execute the collective bargaining agreement with the Fire Officers Group.

**Section 3.** No fringe benefit or additional compensation or other term or condition of employment in effect as of the date of this ordinance, whether provided by a previously adopted ordinance of the City, by a collective negotiation agreement, or otherwise, shall be reduced by this ordinance, and any such provisions shall remain in full force and effect except to the extent that it is specifically changed by ordinance or by the collective negotiation agreement.

**Section 4.** The annual salaries set out herein shall be paid on a pro rata basis to any person who shall hold any of the above named positions for less than a full calendar year. The Fire Chief and Deputy Fire Chief shall be paid in strict accordance with the Unclassified Salary Ordinance. No other element of the annual compensation of the Fire Chief or Deputy Fire Chief shall exceed those provided for those employees in the Superior Officers Association.

**Section 5.** The salaries set out in this ordinance shall become effective, retroactively, as of the effective dates specified in Section 1, and shall apply only to those persons in the employ of the City on the dates when this ordinance becomes effective as specified in Section 6 and shall remain in effect unless and until changed by subsequently adopted ordinance.

**Section 6.** This ordinance shall become effective immediately upon passage and publication as required by law.

**FIRST READING: January 24, 2012**

COUNCIL	MOTION	VOTE
Algrant	X	Y
Forman		Y
Skurnick		Y
Cohen		Y
Drakeford		Y

DATE PUBLISHED IN THE RECORD: February 6, 2012

DATES PUBLIC HEARINGS HELD: February 21, 2012

DATE SECOND READING HELD: February 21, 2012

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant	X	Y	X	Y	X	Y
Forman		Y		Y		Y
Skurnick		Y		Y		A
Cohen		Y		Y		Y
Drakeford		Y		Y		Y

**Public Hearing – Ordinance # 12-02:**

Norman Gorlyn 150 Madison Avenue:

- Asked what costs this ordinance will add to the City Budget in 2012.
- Asked why supervisors get overtime.

**ORDINANCE #12-03**

**AN ORDINANCE AMENDING CHAPTER 18, ARTICLE 1 EMPLOYMENT GENERALLY,**

**SECTION 18-4 OF THE PERSONNEL ORDINANCE  
OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD**

**WHEREAS**, Chapter 18, Article 1, Section 18-4 establishes the power to Hire and Fire; and the advertising of positions;  
and

**WHEREAS**, the Governing Body of the City of Englewood wishes to amend the aforesaid Section to modify the advertising of positions.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Englewood, Bergen County, New Jersey, that Chapter 18, Article 1, Section 18-4 is hereby amended as follows:

18-4 Hiring and firing; advertising of positions.

(a) The power to hire employees of the City government and the power to terminate the employment of such employees shall be vested in the City Manager, provided that Council confirmation shall be required for the hiring of, or the termination of the employment of a department head.

(b) Subject to the provisions of any applicable collective negotiation agreement, ~~prior to the hiring of any employee to fill any position, such position shall be advertised as available, on at least one occasion, in at least one local newspaper and on the City's website (07-24)~~ prior to the hiring of any employee to fill any position, such position shall be posted internally in accordance with collective bargaining agreements and, if seeking external applicants, on the City's website.

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

**FIRST READING: January 24, 2012**

COUNCIL	MOTION	VOTE
Algrant		Y
Forman	X	Y
Skurnick		A
Cohen		Y
Drakeford		Y

DATE PUBLISHED IN THE RECORD: February 6, 2012

DATES PUBLIC HEARINGS HELD: February 21, 2012

DATE SECOND READING HELD: February 21, 2012

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant	X	Y	X	Y	X	Y
Forman		Y		Y		Y
Skurnick		Y		Y		Y
Cohen		Y		Y		Y
Drakeford		Y		Y		Y

**Public Hearing – Ordinance # 12-03:**

No one from the public came forward to speak.

**ORDINANCE #12-04**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 19 OF THE REVISED GENERAL  
ORDINANCES OF THE CITY OF ENGLE WOOD RELATED TO THE POLICE AND FIRE DEPARTMENTS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD,**  
BERGEN COUNTY, NEW JERSEY, as follows:

SECTION 1. Article 1. POLICE DEPARTMENT, Section 19.2 is hereby amended to read in full as follows:

Article 1. POLICE DEPARTMENT

19.2. Composition; civilian positions.

(a) The Police Department Table of Organization shall consist of one (1) Chief of Police, and may consist of not more than one (1) Deputy Chief of Police, not more than two (2) Captains, not more than ~~four~~(4) ~~five~~ (5) Lieutenants, not more than ~~thirteen~~(13) ~~twelve~~ (12) Sergeants and not more than sixty-four (64) Police Officers.

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

**FIRST READING: January 24, 2012**

COUNCIL	MOTION	VOTE
Algrant	X	Y
Forman		Y
Skurnick		Y
Cohen		Y
Drakeford		Y

DATE PUBLISHED IN THE RECORD: February 6, 2012

DATES PUBLIC HEARINGS HELD: February 21, 2012

DATE SECOND READING HELD: February 21, 2012

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant		Y		Y		Y
Forman		Y		Y		Y
Skurnick	X	Y	X	Y	X	Y
Cohen		Y		Y		Y
Drakeford		Y		Y		Y

**Public Hearing – Ordinance # 12-04:**

Norman Gorlyn 150 Madison Avenue:

- Questioned the total number of personnel allotted in this ordinance for the Englewood Police Department.

**Public Comment on Agenda Items:**

Curtis Caviness 41 E. Forest Avenue:

- Spoke about Resolution # 061, and asked who runs the IT Department for the Englewood Public School District.
- Spoke about Resolution # 070, and asked if a Certified Pool Manager will be provided by the YWCA.

Ann Sparanese 146 St. Nicholas Avenue:

- Spoke about Resolution #063, objects to this resolution calling for a zero increase in the City Budget as it sends the wrong message.

Sandy Greenberg 449 Liberty Road:

- In regard to Resolution # 065, she asked if the lettering will be 8" in order to conform to the City Code.

Anita Newkirk Tryon Avenue:

- Spoke about Resolution # 070, and asked why the Tryon Poll was not mentioned in the resolution.
- Asked if the YWCA will be using Englewood lifeguards.

Joe Hoyle 103 Elmore Avenue:

- Thanked the Mayor and Council for placing Resolutions # 073-075 on the agenda. The honorees are being recognized for the following awards:
  - Olga Rita Mosciaro - Community Lifetime Achievement Award
  - Thomas Monroe - Community Recognition Award
  - Michael Brown – Community Appreciation Award

Sandy Greenberg 449 Liberty Road:

- In regard to Resolution # 070, do residents have to join the YWCA as well as join the City pool?
- Would like a joint meeting with the Board of Education and the City to discuss the pool issues.

Jeanne Hopewell 380 Liberty Road:

- Asked if we can publish a schedule of meetings in the newspaper.

Norman Gorlyn 150 Madison Avenue:

- In regard to Resolution #070, he asked who would collect the pool fees.

Maglye Matos 307 Rosemont Place:

- o Thanked the Mayor and Council for addressing the pool issue earlier than last year.
- o Asked if a sliding fee schedule will be in place for the pool as it was last year.

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**RESOLUTION #061-02-21-12**

**AUTHORIZE SHARED SERVICES AGREEMENT WITH THE ENGLEWOOD PUBLIC SCHOOL DISTRICT  
TO PROVIDE INFORMATION TECHNOLOGY SERVICES**

**WHEREAS**, the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1, et seq.*, permits, authorizes and encourages public bodies such as municipalities and other autonomous public entities to enter into Agreements with each other to contract for the provision of any service which the parties to such Agreement are empowered to render under and within its own jurisdiction, whether administrative or otherwise; and

**WHEREAS**, the City and the Board acknowledge that, acting alone, they cannot independently provide the enhanced level of information technology services desired to adequately support their technology needs as they can by acting in concert; and

**WHEREAS**, the parties wish to memorialize their arrangement through the attached shared service Agreement by and among the parties relating to the maintenance, service and use of technology for the benefit of the parties and the citizens of the City of Englewood; and

**WHEREAS**, the term for this Agreement shall commence on March 1, 2012 and shall extend through July 31, 2015.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Englewood, Bergen County, New Jersey, that the City Manager is hereby authorized to execute a Shared Services agreement between the City of Englewood and the Englewood Public School District for a Shared Services Agreement for Information Technology.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>		X			
<i>Skurnick</i>	X	X			
<i>Cohen</i>		X			
<i>Drakeford</i>			X		

**RESOLUTION #062-02-21-12**

**AUTHORIZING AWARD OF CONTRACT  
FOR THE BERGEN STREET PARKING LOT DUMPSTER PROJECT**

**WHEREAS**, sealed bids were received on October 25, 2011 for the Bergen Street Parking Lot Dumpster Project in accordance with specifications therefore and following public advertisement; and

**WHEREAS**, specifications were sent and responsible bids were received from three (3) bidders; and

**WHEREAS**, the bid submitted by M. Ingannamorte & Sons, Inc., 211 LaRoche Avenue, Harrington Park, New Jersey 07640 for the sum of \$11,880.00 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 M. Ingannamorte & Sons, 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 M. Ingannamorte & Sons, Inc. for the Bergen Street Parking Lot Dumpster 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 10-18(b)

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>	X	X			

<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

**RESOLUTION #063-02-21-12**

**RESOLUTION FOR A ZERO 2012 MUNICIPAL BUDGET**

**WHEREAS**, the City of Englewood has experienced a rapid rise in expenditures, and

**WHEREAS**, the City has experienced a concurrent rise in property taxes,

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Englewood, County of Bergen, hereby expresses its desire to finalize a municipal budget that will not result in an increase in the municipal purpose tax rate for the 2012 Budget year.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>			X		
<i>Forman</i>				X	
<i>Skurnick</i>			X		
<i>Cohen</i>	X	X			
<i>Drakeford</i>		X			
<i>Huttle</i>				X	

**RESOLUTION #064-02-21-12**

**APPOINT CITY ENGINEER**

**WHEREAS**, the City of Englewood requires the services of a City Engineer; 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 K. Albert Associates Inc. with offices at 9 East Street, Englewood, New Jersey 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 exceed \$17,500 in the 2012 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 K. Albert Associates Inc. to provide professional engineering services, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and K. Albert Associates Inc. for a period of three (3) years beginning January 1, 2012 and ending December 31, 2014.

**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 Record 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>Forman</i>	X	X			
<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

**RESOLUTION # 065-02-21-12**

**AUTHORIZING AWARD OF CONTRACT FOR  
SIGNAGE AT THE PUBLIC SAFETY COMPLEX**

**WHEREAS**, quotations were obtained for the Signage to read "Deputy Chief Raymond C. Wright Public Safety Complex" to be affixed to the exterior of the Public Safety Complex in accordance with specifications therefore; and

**WHEREAS**, specifications were sent and quotations were received from six (6) vendors; and

**WHEREAS**, the quotation submitted by Majestic Signs located at 951 Teaneck Road, Teaneck, New Jersey 07666 for the sum of \$2,150 was determined to be the low bid and is in compliance with the specifications; and based upon the recommendation of the City Manager, 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 Majestic Signs 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 Majestic Signs for the Signage at the Public Safety Complex in accordance with the specifications therefore.

A 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>Forman</i>	X	X			
<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

**RESOLUTION #066-02-21-12**

**AWARD PROFESSIONAL SERVICES CONTRACT TO BOSWELL ENGINEERING TO SERVE AS A LICENSED SITE  
REMEDIAION PROFESSIONAL FOR THE POLICE PISTOL RANGE**

**WHEREAS**, the City of Englewood requires a Licensed Site Remediation Professional (LSRP) to provide professional services for the environmental site remediation at the Police Pistol Range. The scope of work will include:

- Complete all Administrative Requirements
- Conduct an Asbestos Containing Building Material Survey
- Update Preliminary Assessment
- Site Investigation and Site Investigation Report
- Prepare Bid Plans and Specifications
- Prepare Remedial Action Work plan
- Provide Public Notifications
- Provide Remedial Oversight/Post Excavation Sampling
- Disposal Coordination
- Limited Groundwater Investigation
- Limited Receptor and Baseline Ecological Evaluations
- Remedial Action Report

**WHEREAS**, on the recommendation of the City Engineer, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to Boswell Engineering, 330 Phillips Avenue, South Hackensack, New Jersey 07606 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 the value of this contract for the scope of services as stated above and in the attached proposal, is not to exceed \$70,200;

**WHEREAS**, Boswell Engineering 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 Boswell Engineering to provide professional services for the environmental site remediation at the Police Pistol Range;

**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 Record 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>Forman</i>	X	X			
<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

**RESOLUTION #067-02-21-12**

**AWARD PROFESSIONAL SERVICES CONTRACT TO BIRDSALL SERVICES GROUP TO SERVE AS A LICENSED SITE REMEDIATION PROFESSIONAL FOR THE FIRE HOUSE**

**WHEREAS**, the City of Englewood requires a Licensed Site Remediation Professional (LSRP) to provide professional services for the environmental site remediation at the Fire House. The scope of work will include:

- Prepare a NJDEP LSRP Retention/Opt-In Transitional Form
- Receptor Evaluation
- Preliminary Assessment

**WHEREAS**, on the recommendation of the City Engineer, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to Birdsall Services Group, 611 Industrial Way West, Eatontown, New Jersey 07724 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 the value of this contract for the scope of services as stated above and in the attached proposal, is not to exceed \$15,000;

**WHEREAS**, Birdsall Services Group 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 Birdsall Services Group to provide professional services for the environmental site remediation at the Fire House;

**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 Record 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>Forman</i>	X	X			
<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

**RESOLUTION #068-02-21-12**

**AWARD PROFESSIONAL SERVICES CONTRACT TO BIRDSALL SERVICES GROUP TO SERVE AS A LICENSED SITE REMEDIATION PROFESSIONAL FOR 18 AMORY STREET**

**WHEREAS**, the City of Englewood requires a Licensed Site Remediation Professional (LSRP) to provide professional services for the environmental site remediation at 18 Amory Street. The scope of work will include:

- Prepare a NJDEP LSRP Retention/Opt-In Transitional Form
- Receptor Evaluation
- Preliminary Assessment

**WHEREAS**, on the recommendation of the City Engineer, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to Birdsall Services Group, 611 Industrial Way West, Eatontown, New Jersey 07724 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 the value of this contract for the scope of services as stated above and in the attached proposal, is not to exceed \$13,880;

**WHEREAS**, Birdsall Services Group 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 Birdsall Services Group to provide professional services for the environmental site remediation at 18 Amory Street;

**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 Record 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>Forman</i>	X	X			
<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

**RESOLUTION #069-02-21-12**

**AUTHORIZATION OF APPLICATION TO ERECT A CANOPY AWNING IN THE PUBLIC RIGHT OF WAY**

**WHEREAS**, 45-53 W. Palisade Ave LLC, owners of the property located at 53 West Palisade Avenue and known as Block 610, Lot 17.01 on the Tax Map, has requested permission to place a canopy at 53 W. Palisade Avenue stretching from the entrance

door to the curb; and

**WHEREAS**, the proposed canopy encroaches upon the public right of way; and

**WHEREAS**, Ordinance Numbers 87-41 and 91-26 of the City of Englewood prohibit such encroachment without the prior approval of the City Council; and

**WHEREAS**, subject to the terms and conditions hereinafter contained, the Council finds that it would foster the improvement and enhance the appearance of downtown Englewood to grant a revocable license to permit such canopy;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Englewood, Bergen County, New Jersey, that the application of a revocable license is hereby granted to 45-53 W. Palisade Ave LLC to permit a canopy at 53 W. Palisade Avenue stretching from the entrance door to the curb subject to the following conditions:

1. The property owner agrees to hold the City of Englewood harmless for any and all actions arising from the installation of the canopy awning.
2. The applicant shall obtain the approval of the Planning Board of the City of Englewood for the construction of the canopy and any signage proposed therefore.
3. The applicant shall obtain any and all permits and pay any and all permit fees required pursuant to the Uniform Construction Code or other applicable law.
4. The plans for the canopy shall be subject to the approval of the City Manager and Construction Code Official of the City of Englewood pursuant to applicable code.
5. The property owner, 45-53 W. Palisade Ave LLC, shall execute and deliver to the City of Englewood, a hold harmless and indemnity agreement in a form approved by the City Solicitor.
6. The City reserves the right to revoke permission to encroach within the City's right of way at any time if, in its judgment, the public interest so requires. Upon revocation and notice thereof by the City Manager, the applicant shall remove said encroachment within 30 days.
7. Whenever the applicant ceases to own or occupy the premises for which the license is granted, the license shall expire. Upon the revocation or expiration of the license, the canopy encroaching upon the public right of way shall be removed. In the event the applicant or owner fails to remove such canopy after notice thereof is provided, the City may remove such canopy and charge the cost of such removal as a municipal lien against the property in accordance with law.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>			X		
<i>Forman</i>			X		
<i>Skurnick</i>	X		X		
<i>Cohen</i>			X		
<i>Drakeford</i>			X		

**RESOLUTION #070-02-21-12**

**AWARD OF CONTRACT FOR POOL MANAGEMENT SERVICES**

**WHEREAS**, the City of Englewood requires the services of a qualified person(s) and/or firms to provide Pool Management Services for the Mackay Pool; and

**WHEREAS**, the City issued a Request for Proposals for the Provision of Services – Pool Management Services; and

**WHEREAS**, on the recommendation of the City Manager and the Recreation Director, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to the YWCA of Bergen County with offices located at 2 University Plaza, Suite 208, Hackensack, New Jersey 07601 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 \$45,000 in the 2012 operating season and \$45,000 in the 2013 operating season and the scope of services will include:

Provision of one (1) Pool Manager to be on duty during all open hours (Monday through Friday from

1:00PM – 6:00PM and Saturday and Sunday from 1:00PM – 8:00PM) of the facility to supervise staff, address all pool and member issues, schedule staff and keep the City of Englewood informed throughout the contracted dates.

Provision of four (4) certified American Red Cross lifeguards with current certifications.

Provision of four (4) swim instructors who possess current American Red Cross instructor certification to provide swim instruction at the Mackay Park Pool facility weekly from June 25, 2012 to August 17, 2012, Monday through Friday between the hours of 6:00PM to 8:00PM.

Assist the Recreation Department in the operation of Mackay Park Pool in compliance with Englewood Board of Health and State standards and requirements as related to pool maintenance and usage; as well as maintaining the the personal safety of all participants and visitors. ; 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 the YWCA of Bergen County to provide Pool Management Services for the 2012 and 2013 operating seasons, and the City Manager and City Clerk are hereby authorized to execute and attest to an agreement between the City of Englewood and the YWCA of Bergen County.

**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 Record 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>Forman</i>	X	X			
<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

**RESOLUTION #071-02-21-12**

**AUTHORIZE RE-ISSUANCE OF A MISSING OR DAMAGED TAX SALE CERTIFICATE**

**WHEREAS**, the Tax Collector of the City of Englewood has previously issued a tax sale certificate to Deborah Pico which certificate is dated October 20,2008 covering the premises commonly known and referred to as Lot 1.43 in Block 2805 as set on the municipal tax map then in use which certificate bears number 08-35.

**WHEREAS**, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, County of Bergen that the Tax Collector of the City of Englewood be and is authorized, upon receipt of the appropriately executed and notarized Loss Affidavit, to issue an appropriate duplicate tax ale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

**BE IT FURTHER RESOLVED** that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>	X	X			
<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

**RESOLUTION #072-02-21-12**

**Authorize Purchase of Grass and Field Maintenance Equipment**

**WHEREAS** Commercial Grounds Equipment and Accessories for use by County and Municipal Public Works Departments has been pre bid by the Bergen County Cooperative Purchasing/Pricing System #CK04 under Bid #10-18; and

**WHEREAS** the City of Englewood is a participant in the Bergen County Cooperative Purchasing/Pricing System #CK04 and has the requirement for the following equipment; and

Toro Sand Pro 5040 Utility Tractor and Attachments

**WHEREAS** funds are available for this purchase in Ordinance 10-28 and the Chief Financial Officer has provided a certification to this effect.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, New Jersey, that the City Manager is authorized to enter into a contract with Storr Tractor Company, Branchburg, NJ 08876 for the purchase of one (1)Toro Sand Pro 5040 Utility Tractor and Attachments for \$34,364.21.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>	X	X			
<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

**RESOLUTION #073-02-21-2012**

**Honoring Michael A. Brown**  
**2012 Jabari Society of Bergen County Honoree**

**WHEREAS**, Michael A. Brown will be honored at the Jabari Society of Bergen County Dinner on February 25, 2012, the Jabari Society of Bergen County is the local chapter of the International Association of Black Professional Firefighters. The Jabari Society is recognizing Mr. Brown for his contributions to the community of Englewood and its youth; and

**WHEREAS**, Michael A. Brown was born and raised in the City of Englewood and has been employed by the Englewood Public School District for twenty years. He is currently serving as the Principal of the Dr. Leroy McCloud Elementary School. Mr. Brown received his Bachelor degree from Claflin University in Orangeburg, South Carolina and has received two Master degrees; one in Science from Long Island University and the second in Educational leadership from Fairleigh Dickinson University. Michael Brown is a New Jersey State certified Teacher, Supervisor, Principal and Superintendent; and

**WHEREAS**, Michael A. Brown is married to his wife Tenesa Brown and they are the proud parents of two daughters, Makayla and Malayja.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council of the City of Englewood, County of Bergen, hereby honors Michael A. Brown, as both a 2012 honoree of the Jabari Society of Bergen County and as an outstanding community member.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

**RESOLUTION #074-02-21-2012**

**Honoring Thomas Monroe**

**2012 Jabari Society of Bergen County Honoree**

**WHEREAS**, Thomas Monroe will be honored at the Jabari Society of Bergen County Dinner on February 25, 2012, the Jabari Society of Bergen County is the local chapter of the International Association of Black Professional Firefighters. The Jabari Society is recognizing Mr. Monroe for his contributions to the community of Englewood and its youth; and

**WHEREAS**, Thomas Monroe arrived in the City of Englewood with his grandmother at the age of five months old and has remained a proud resident ever since. At a very young age Mr. Monroe was placed in a foster home under the care of Mrs. Annie Robinson and her mother, Mrs. Spencer because his grandmother was employed in round the clock service for a wealthy family on the East Hill. Mr. Monroe attended public school in Englewood and graduated from Dwight Morrow High School in 1960. He then attended Norfolk State College in Norfolk, Virginia where he graduated with a Bachelor degree in Health and Physical Education. While a student at Norfolk State, Mr. Monroe discovered his athletic abilities and utilized these skills working summers with the Englewood Recreation Department. He went on to direct the Department's After School Program for Boys and Summer Camp program as well as working with the Boy Scouts; and

**WHEREAS**, Mr. Monroe spent thirty-one years of his professional career with the Englewood Public School District first as an Attendance Officer and then as a Physical Education Teacher and Coach, retiring in 2004. While teaching and coaching at Dwight Morrow High School, he began the Chess Club and coached football, basketball and track & field. After his retirement, Mr. Monroe started The Zone, a school based youth services program at the Bergen Family Center, serves a volunteer chess instructor at the McCloud Elementary School and was appointed to the Englewood Historic Preservation Advisory Committee by the City Council in 2011. Mr. Monroe's love of history was fostered by his mentor, Mr. Arnold Brown a former member of the Englewood Historical Society.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council of the City of Englewood, County of Bergen, hereby honors Thomas Monroe, as both a 2012 honoree of the Jabari Society of Bergen County and as an outstanding community volunteer.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	<b>X</b>	<b>X</b>			
<i>Forman</i>		<b>X</b>			
<i>Skurnick</i>		<b>X</b>			
<i>Cohen</i>		<b>X</b>			
<i>Drakeford</i>		<b>X</b>			

**RESOLUTION #075-02-21-2012**

**Honoring Olga Rita Mosciaro**  
**2012 Jabari Society of Bergen County Honoree**

**WHEREAS**, Olga Rita Mosciaro will be honored at the Jabari Society of Bergen County Dinner on February 25, 2012, the Jabari Society of Bergen County is the local chapter of the International Association of Black Professional Firefighters. The Jabari Society is recognizing Ms. Mosciaro for her contributions to the community of Englewood and its youth; and

**WHEREAS**, Olga Rita Mosciaro is a proud lifelong resident of the City of Englewood who attended the public school system and graduated from Dwight Morrow High School; and

**WHEREAS**, Ms. Mosciaro began her twenty-five year professional career with the Englewood Police Department as the confidential secretary to the Commander of the Detective Bureau and retired as the secretary to the Chief of Police. She loved her years with the Police Department because her work there allowed her to give back to the community of Englewood.

**WHEREAS**, Ms. Mosciaro retired from the Englewood Police Department, and retirement has enabled her to continue to give back to her beloved hometown of Englewood. Ms. Mosciaro is a proud daughter of a World War I veteran and also took care of both of her parents in their later years. Ms. Mosciaro's father instilled in her a sense of patriotism and appreciation for country and community that has led her to organize Englewood's Annual Memorial Day Parade and the Veterans' Day Ceremony. Her long list of community involvement includes; being an active member of the American Legion Auxiliary - Unit 58, volunteer with the Bergen Family Center providing holiday and cultural programs for visually impaired and disabled seniors, working with the Family Assistance Program of the National Guard at the Teaneck Amory, a member of "Church Women United", member of the Ladies Guild SMA Fathers- Missions to Africa, works at the Vacation Bible School at the Englewood Assembly of God Church, volunteer with FOCAS – a spay and neuter program of the Bergen County Animal Shelter, and a member of the Englewood Historical Society.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council of the City of Englewood, County of Bergen, hereby honors, Olga Rita Mosciaro, as both a 2012 honoree of the Jabari Society of Bergen County and as an outstanding community volunteer.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

**Public Session:**

Rhonda Drakeford 265 W. Hudson Avenue:

- President of the Englewood Junior Football Coalition.
- Hopes that the Council will consider the football program in the budget, specifically uniform needs.
- Would also like the program to be recognized by the Mayor and Council.

Curtis Caviness 41 E. Forest Avenue:

- Spoke about the boarding up of the windows at the Lincoln School, and commented that they should have been painted maroon so the boards do not stand out so much.
- Asked where the new soccer field will be and why are we not utilizing the Englewood Public School District fields.

Stacy De Montagnac 325 Central Avenue:

- PTO President, and commented that the City needs a Community Center and can the Council consider that in its budget.

Jo Ellen Bostick 122 Orange Street:

- Spoke in support of the Junior Football Program, and that proper equipment is necessary and also has to be stored properly.

Ella Urdang 462 Tenafly Road:

- Was speaking for some residents that had to leave due to the lateness of the hour and feel that Library funding needs to remain at current levels and be maintained.

Molly Berry 136 Jane Street:

- Coaches the Recreation Department Track Team and spoke about the lack of funding for buses last year and asked the Council to please make sure that is in the Budget this year.
- Very supportive of the Library, and when she first moved to town that is how she got acquainted with the City.

Farzin Maali Glenmore Management:

- Works for the company that manages 53 W. Palisade Avenue.
- Does not understand why the City does not want them to erect an awning at the building. They wanted it for protection of their residents from the elements.

Sandy Greenberg 449 Liberty Road:

- Agrees with the previous speaker and does not understand why the issue regarding the awning has to come before the Council.

Ann Sparanese 146 St. Nicholas Avenue:

- Her children grew up at the City's pools and she did not realize there was a problem with pool fees.
- Mentioned that the Library also provides summer programs for the kids.
- Wants all City Departments to share in the Budget cuts.

Roy McClam Teaneck Resident:

- Owns the apartment building located at 231 W. Englewood Avenue.
- There is a problem with vehicular and people traffic in the parking lot of his building due to one of the tenants and he needs help policing the parking lot and building.

Antoinette McClam 231 W. Englewood Avenue:

- Spoke about when she called the police to report the problems in the parking lot and at the building the police told her that there are drug dealers there.

Barry Harris Du Bois Court:

- Has spent 40 years of his life in Englewood.
- Growing up in Englewood he had the memorial House where everyone went and bonded. Now there is nowhere for the kids to go. He would like to see the Lincoln School used as a Community Center.

Joseph Gaskin 451 W. Hudson Avenue:

- o Spoke on behalf of the Junior Football Team, they are State Champs and need to be publicly honored so they can be taught that they can achieve what they aspire to.

Betty Warren 208 Warren Street:

- o Her two sons grew up in the Junior Football Program.
- o There needs to be a plan for the future of the City and especially the people. The children need a Recreation Center.

Ann Coppola 120 Huguenot Avenue:

- o Supports the Library not only for the children but for the adults as well.

Antoinette McClam 231 W. Englewood Avenue:

Spoke about the undesirable element that hangs out at the restaurant located at 235 W. Englewood Avenue.

**RESOLUTION #076-02-21-12**

**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:

Personnel, Contract Negotiations and Litigation

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.

<b>COUNCIL</b>	<b>MOTION</b>	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Algrant</b>	<b>X</b>	<b>X</b>			
<b>Forman</b>		<b>X</b>			
<b>Skurnick</b>		<b>X</b>			
<b>Cohen</b>		<b>X</b>			
<b>Drakeford</b>		<b>X</b>			

**ADJOURN: 11:35PM**

Motion:

All in Favor

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Lauren Vande Vaarst, RMC  
City Clerk