

**City of Englewood
City Council Work Shop
Meeting Minutes**

August 7, 2013 at 7:30pm

A Workshop Meeting of the Mayor and Council of the City of Englewood, Bergen County, New Jersey, was held in the 2nd Floor Conference Room of City Hall commencing at 7:30 P.M.

Roll Call:

Present:	Council member Marc Forman Council member Michael Cohen Council member Eugene Skurnick Council member Wayne Hamer Council member Lynne Algrant Mayor/Council President Frank Huttle III City Manager Timothy Dacey City Clerk Lauren Vande Vaarst
Absent:	City Attorney William Bailey (represented by Dermot Doyle, Esq.)

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 notice as required by the Open Public Meetings Act.

Public Comment on Agenda Items:

No one from the public came forward to speak

RESOLUTION #163-08-10-13

**RESOLUTION SUPPORTING THE
"DRIVE SOBER OR GET PULLED OVER 2013 STATEWIDE CRACKDOWN"**

Whereas, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

Whereas, 25% of motor vehicle fatalities in New Jersey are alcohol related; and

Whereas, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

Whereas, the State of New Jersey, Division of Highway Safety, has asked law enforcement agencies throughout the state to participate in the "Drive Sober or Get Pulled Over 2013 Statewide Crackdown"; and

Whereas, the project will involve increased impaired driving enforcement from August 16 through September 2, 2013; and

Whereas, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

Therefore, be it resolved that the City of Englewood declares its support for the "Drive Sober or Get Pulled Over 2013 Statewide Crackdown" from August 16 through September 2, 2013 and pledges to increase awareness of the dangers of drinking and driving.

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

RESOLUTION #164-08-10-13

**AUTHORIZING AWARD OF CONTRACT FOR THE PURCHASE OF
THREE (3) MULTI-SPACE PAY STATIONS**

WHEREAS, sealed bids were received on June 18, 2013 for Three (3) Multi-Space Pay Stations 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 VenTek International, 1260 Holm Road, Suite A, Petaluma, California 94954 of \$30,695.00 for the total cost of equipment and installation was determined to be the low bid and is in compliance with the specifications; and based upon the recommendation of the City CFO/Qualified Purchasing Agent, can be accepted by the City Council; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to award this contract;

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 VenTek International. 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 VenTek International for the Three (3) Multi-Space Pay Stations 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 05-11(c)

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

Mayor and Council Comments on Resolution #164-08-07-13:

Councilman Skurnick asked if these will be the same pay stations in use at the Bergen Street Parking Lot.
 Mayor Huttie asked if they would be the same quality.
 Councilman Forman asked if they will work the same way.

Mr. Dacey explained that these pay stations will be from another vendor because the one purchased for the Bergen Street Lot were purchased under a cooperative purchasing agreement through the Cranford Police but that expired and we had to go out to bid. These are good quality and will work the same.

Resolutions for Discussion:

Resolution in Support of the Route 4 Bridge over Grand Avenue Replacement Project

- o Mayor and Council Comments:
 - Councilman Cohen wants a list of conditions attached to this resolution as was done with Jones Road, as this is our only chance to provide a resolution for this project and he would feel better if the conditions were put into writing.
 - Mayor Huttie asked what his concerns are.
 - Ken Albert explained that this project is not as far along as the Jones Road project was, so there are no designs to currently comment on. Suggested that we put a general comment in the resolution that NJDOT needs to come back and address the concerns of the town in regard to this project.
 - Councilwoman Algrant commented that there was probably a resolution done for a preliminary stage on Jones Road that concerns were not attached to.
 - Mayor Huttie summed up by saying that it is too preliminary of a project and NJDOT will back a few more times to work things out with the public and the government.

Authorize Award of Contract for "Supplementary Snow Plowing Services"

- o Mayor and Council Comments:
 - Councilman Skurnick commented that Englewood bidders are not being selected if they are not the lowest bidder and he will speak to the City Attorney about figuring out a way to get around this.
 - Tim Dacey and Dermot Doyle both explained that the City is following the State Public Contracts Law as required for all municipalities.
 - Councilman Forman asked what a Professional Services contract is and Mr. Doyle explained.

- Councilman Hamer asked if a contract is awarded could it exceed its original amount. Mr. Dacey explained that it could especially in this case if we receive excess snow. A resolution amending the original would have to be adopted.

Resolution of the Mayor and City Council of the City of Englewood Opposing the Closure of the State Developmental Centers

Refunds Due to State Tax Appeals

Extension of Professional Services Contract with Brown & Keener

- Mayor and Council Comments:
 - Councilman Skurnick said that we should not authorize a committee or a group to expend unallocated funds.

Ordinances for Discussion:

Fall 2013 Recreation Program Fees:

- Mayor and Council Comments:
 - Councilman Forman asked why there was no handout in the packet with the proposed fees (Mr. Dacey explained that Merle Simons was finishing up meetings with all the instructors in order to finale costs).
 - Mayor Huttie would like the list included in this week's Weekly Update.
 - Councilman Cohen commented that it is Merle's philosophy is to keep fees for programs cost neutral.

ORDINANCE #13-12

- Mayor and Council Comments:
 - Councilman Hamer commented about water pooling on both sides of Nordhoff Place by the railroad tracks.

ORDINANCE #13-11A and ORDINANCE #13-11B

- Mayor and Council Comments:
 - Mayor Huttie reviewed both ordinances and his memo of August 5, 2013. He directed the City Clerk to run a slideshow presentation of John T. Wright Arena photos.
 - Mr. Dacey explained that there is no money in the 2013 Capital or Operating Budget to pay for any additional work on the building, which has not operated for 2 years.
 - Mayor Huttie explained that the Bond process is a laborious one and takes time.
 - Councilman Hamer commented that he is glad that Mayor Huttie said there is no plan for an operator for the arena, because the task force, of which he is a member, only wants the roof and netting work done and prefers to work towards a plan for the arena and programming. He is most comfortable with ordinance with the lesser amount and said that adequate support is needed.
 - Councilman Forman asked if he understood the Mayor correctly when he said that both of the proposed Bond ordinances are inadequate. There are no plans, no business plan, and no operator in place and he will not support this.
 - Councilman Skurnick feels that two (2) weeks ago there was a clear consensus of the Council to do the work at the arena. Does not understand that money cannot be found within the City's \$60 million dollar budget to cover contingencies. If Four (4) Council members vote to pass the bond then things should move ahead. Wants money put into the 2014 Capital Budget to do the additional work at the arena.
 - Councilwoman Algrant said that she kind of agrees with Councilman Skurnick but has two (2) questions:
 1. What do you mean by "open early" in regard to the arena?
 2. What kind of revenue are we going to be collecting here?

Does not feel that the arena can be open this Fall, we do not have an operator and construction may not be completed as quickly as we hope. Wants the Mayor and Council to be really clear on what we are talking about tonight in regard to the arena.
 - Mayor Huttie clarified the Insurance and FEMA reimbursements and explained they can only be used for the roof, perimeter netting and the steel painting. The rest of the work will be paid for by the City.
 - Councilman Cohen is concerned with the deadlines for the FEMA money. Feels there is no more time to think about and ponder what to do with the arena and we need to do something now. This is a great opportunity in that FEMA will be reimbursing the City for 90% of the repair/replacement costs. He thought there was a compromise in place to continue with an arena in the City. During the construction phase (3-4 months) we can figure out what to do about an operator. Even though we will not see any Hockey revenue this Fall, we need to get the arena open to prove that the City is moving forward.

- Councilman Forman commented that the deadline for the FEMA money is not accurate and the City can apply for numerous extensions. Mayor Huttle asked Mr. Dacey to explain FEMA and Insurance deadlines.
- Mr. Dacey explained that the Insurance deadline is July 1, 2014 and FEMA is April 1, 2014. He further explained that FEMA will grant an extension only if the City has a plan in place.
- Mayor Huttle said that to push the project forward not to meet the FEMA deadline but to repair the arena for the City. The task force's goal is not to repair an ice arena but to repair and plan for an arena that can be used for many purposes. The Mayor has heard the Council and will put forth Ordinance #13-11A on for First Reading/Introduction tonight.

ORDINANCE #13-11A

BOND ORDINANCE APPROPRIATING \$960,000 FOR ICE ARENA IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF \$760,000 OF BONDS AND/OR BOND ANTICIPATION NOTES FOR SAID IMPROVEMENTS, AUTHORIZED TO BE UNDERTAKEN IN AND BY THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY

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

Section 1. The improvement and purpose described in Section 3 of this Bond Ordinance are hereby authorized as a capital improvement to be made or acquired by the City of Englewood, County of Bergen, New Jersey (hereinafter referred to as the "City"). For said improvement or purpose stated in Section 3 hereof, there is hereby appropriated the sum of \$960,000. A down payment of \$200,000 is herein appropriated from the capital improvement fund or other funds of the City as the downpayment for the purposes or improvements authorized herein, in accordance with the provisions of the Local Bond Law (N.J.S.A.40A:2-1 *et seq.*, hereinafter the "Law").

Section 2. For the financing of said obligations and to meet the part of said \$960,000 appropriation not otherwise provided for hereunder, negotiable bonds of the City are hereby authorized to be issued in a principal amount not to exceed \$760,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds, negotiable bond anticipation notes in the principal amount not to exceed \$760,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law. In the event that bonds are issued pursuant to this Ordinance, the aggregate amount of bond anticipation notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and bond anticipation notes issued pursuant to this ordinance shall at any time exceed \$760,000, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such bond anticipation notes then outstanding, at maturity. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within the limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed and shall be under the seal of said City and attested as permitted by law. The appropriate City officers are hereby authorized to execute said bond anticipation notes and to issue said notes in such form as may be adopted in conformity with law. The power to determine all matters in connection with this ordinance and also the power to sell said bond anticipation notes, is hereby delegated to the Chief Financial Officer of the City (the "Financial Officer"), who is hereby authorized to sell said bond anticipation notes either at one time or from time to time in the manner provided by law and the Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. The Financial Officer is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of bond anticipation notes pursuant to this ordinance is made, such report to include the principal amount, description, interest rate and maturity of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 3. The improvement hereby authorized and the purpose for which said obligations are to be issued is as follows:

Improvements/Purposes	Estimated Cost	Downpayment (Capital Improvement Fund)/ Insurance Proceeds	Bonds or Notes Authorized	Useful Life (Years)
Ice Arena improvements and repairs including but not limited to roof replacement, steel painting, perimeter netting, flooring, dasher boards, rink netting, and including all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$960,000	\$200,000	\$760,000	15

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The purpose described in Section 3 of this bond ordinance is not a current expense and is property or an improvement which the City may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of said purpose is within the limitations of the Local Bond Law taking into consideration the amount of obligations authorized by this bond ordinance, the period of usefulness is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the City Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such Statement shows that the gross debt of the City determined as provided in said Law is increased by this bond ordinance by \$760,000 and obligations authorized and/or hereunder will be within all debt limitations prescribed by said Law.

(d) Amounts not exceeding \$150,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimates thereof.

Section 5. Any grant or other moneys received for the purpose described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvement, obligation or acquisition or to payment of the obligation issued pursuant to this ordinance and the amount of the obligations authorized herein for such purpose shall be reduced accordingly.

Section 6. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the City, and, unless paid from other revenues of the City, the City shall be obligated to levy ad valorem taxes upon all the taxable property within the City for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 7. The capital budget of the City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board of the State of New Jersey, Department of Community Affairs, showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the City Clerk and is available there for public inspection.

Section 8. The City reasonably expects to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 of this ordinance and paid prior to the issuance of any bonds or notes authorized by this ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.150-2(e), and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

Section 9. To the extent that any previous ordinance or resolution is inconsistent with or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. The provisions of this ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 11. This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

FIRST READING DATE: August 7, 2013

COUNCIL	MOTION	VOTE
Algrant		Y
Forman		N
Skurnick		Y
Cohen	X	Y
Hamer		Y

ORDINANCE #13-12

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 25-18
SCHEDULE X OF THE TRAFFIC AND PARKING ORDINANCE
OF THE CODE OF THE CITY OF ENGLEWOOD**

WHEREAS, Chapter 25, Section 25-18 Schedule X restricts parking on certain streets within the City of Englewood; and

WHEREAS, the Governing Body of the City of Englewood wishes to add to the aforesaid Section to modify limitations on parking at designated areas.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Englewood, Bergen County, New Jersey, that Chapter 25-18, Schedule X is hereby amended to include as follows:

Nordhoff Place (west of the railroad tracks) Both Sides From Cedar Lane to S. Van Brunt Street

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

FIRST READING DATE: August 7, 2013

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

Public Session:

Phil Vogel 318 Marlboro Road:

- Asked once again why the City cannot have a street sweeping schedule. Mr. Dacey explained what is involved with a real street sweeping program, and that the City would need to purchase additional equipment, require alternate side of the street parking and increase manpower to do the work.

Eric Fromen 370 Eton Street:

- Spoke about the ice arena. Confused about the City's need for a Recreation Center to keep kids off the streets because it is not the City's job to be parents.

Bruce Prince 120 Jones Road:

- Agrees with the Mayor that we should go further and make the ice arena nice, and agrees with everyone that we need to get the arena open and moving forward. Feels that the arena can be a summer facility for concerts, roller skating and skateboarding. Very glad that the whole town is talking about the ice arena and this is the first time he remembers that the whole town is engaged in something.

Helen Kiphaut 99 Charles Street:

- The photos of the ice arena make her think that the building should be condemned because it is unsafe for the children. Thinks that the City should allow Ice Cream and other Food Vendors to sell snacks there until the snack bar is rebuilt.

Sarah Blum 220 Allison Court:

- Town should prioritize the ice arena and shuffle funding to make it happen.

Leen Ann Mosley 115 W. Hudson Avenue:

- Commented on item #2 in the Mayor's memo of August 5, 2013. Feels that the ice arena is an eyesore. Wants it to be open air and we can rent tents when we need to cover it.

Mr. Dacey explained that the FEMA and Insurance money can only be used to fix the roof, steel painting and perimeter netting; the work has to be put out for bid. Insurance has given the City less than we need for the roof and has placed conditions on the City that they need to see the work start and they want their contractors to be included in the bidding.

Curtis Caviness 41 E. Forest Avenue:

- Feels that only the 1st Ward Council member has read the law. Asked if the ice arena has been inspected by the State in the past three (3) years. Need to spend time to do things properly and the City should hire a Program Manager for the arena. Asked if the arena is even in compliance with the State's Green Acres Laws. Why is the City not looking towards making the arena "green".

Maglye Matos 304 Rosemont Place:

- Pleased that the City listened to the community and is finally going forward with the arena. The City needs to be mindful of timelines for the construction work and the budget. The City has to invest in its facilities because a lot of them are dilapidated. The arena should be run by the Recreation Department.

- Thanked the Fire and Police Departments for coming to speak to the Senior Citizens at the Bergen Family Center and thanked Mr. Dacey for having benches replaced at Mackay Park.

Eda Greenbaum 210 Allison Court:

- Spoke about the ice arena not being a Taj Mahal but it is useable and always busy. Revenues came from skate rentals, hot chocolate, pretzels etc.
- City should get it open on January 1, 2014 and make a big deal of the reopening.

Horace Ragbir Englewood Resident:

- Asked why the City is paying an out of town firm to do the Master Plan and not using our City Engineer/Planner.
- Spoke about Resolution #089-04- 09-13 awarding Vehicle Repairs to Paramus and the contract.

Miriam Stiefel 280 Starling Road:

- Grew up in Englewood and is happy that the ice arena is moving forward.

Shirley Smith 374 W. Palisade Avenue:

- Asked if any City employee was ever made responsible to oversee the condition of the ice arena.

Sandy Greenberg 449 Liberty Road:

- Recommended that if the City buys new street sweeping equipment that we get ones that allow the driver to see both sides of the road.
- Thirty (30) years ago, Green Acres would not allow them to enclose the ice arena. Wants the Englewood public schoolchildren to use the ice arena.
- Would like to address a question about the James Street development to each council member. Mayor Huttie will place it on a future agenda.

Jack Silberman 320 Murray Avenue:

- Came to the meeting support of the arena.
- Asked about the status of the lighting at Herring Park. Mr. Dacey commented that PSE&G was out to examine the lights and is looking at putting timers on them.

Michael Ratzker 360 Mountain Road:

- Thanked the Council for voting in favor of the bond ordinance.
- Said that it the fault of the users of the ice arena for not speaking out on the poor condition of it.

Lucy Walker 363 Washington Place:

- Stated that the ice arena becomes more beautiful the further you live from it. Feels that the ice arena should be condemned.
- Wants the City to follow Green Acres laws especially in the 4th Ward.

ADJOURN: 9:45 PM

Motion: Skurnick
All in Favor

Lauren Vande Vaarst, RMC
City Clerk