

Reorganization Meeting of the Englewood Cliffs Planning Board  
Minutes  
January 8, 2015

The Reorganization Meeting of the Englewood Cliffs Planning Board was called to order by Chairman Fehre at 7:30PM.

Oath of Office for Mr. Kiky Kim and Councilwoman Gloria Oh was performed by Mayor Joseph Parisi.

Mr. Kilmartin, Mr. Chinman, Mr. Duffy, and Mr. Nikow will be performed Oath of Office at our February meeting.

Flag Salute led by Mr. Trovato

Public notice of this meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, The Star Ledger, and posting of notice on the municipal building bulletin board at 482 Hudson Terrace.

Secretary/Administrative Clerk Caterina Scancarella asked for a nomination for Board Chairperson

Mr. Trovato nominated Mr. Ed Fehre, seconded by Mr. Surace. This motion was approved by roll-call vote. 7 Ayes (Mr. Fehre, Mr. Trovato, Mr. Kiky Kim, Mr. Surace, Mr. Sean Kim, Councilwoman Oh, and Mayor Parisi), No Nays, No Abstentions.

Secretary/Administrative Clerk Caterina Scancarella asked for a nomination for Board Vice-Chairperson

Chairman Fehre nominated Ms. Jill Rosenberg, seconded by Mr. Trovato. This motion was approved by roll-call vote. 7 Ayes (Mr. Fehre, Mr. Trovato, Mr. Kiky Kim, Mr. Surace, Mr. Sean Kim, Councilwoman Oh, and Mayor Parisi), No Nays, No Abstentions.

Comments from Mayor Parisi:

Good Evening. I wish everyone a Happy New Year. First I would like to thank this board 2014 was very busy and on behalf of everyone in town we appreciate all you do as volunteers and you take it seriously. We as residents appreciate that you want to keep Englewood Cliffs the way it has always been. When people come to this board who want changes some of them slight some of them drastic this board has done a wonderful job making decisions on each one. I appreciate everyone who has a part in making this board work the way it does. In 2015 I am looking for quality of life in Englewood Cliffs and this board has a lot to do with that quality of life. What is our balance between our corporate and residential citizens? There has always been a good balance and I would like it to stay that way and the board has a lot to do with that. Some visionary items I would like is to get some input on several things we have been talking about and not acting on such as ordinance changes, height and water issues, and the B3 zone area. I would like to really look into the B3 zone. Yesterday afternoon I had the opportunity to have a meeting with 7-8 Mayors and members of the Senate talking about things in general and what we as Mayors are looking for from the state. It is amazing what is going on in other towns like Fort Lee with the billion dollar project, Bogota with the Hess property that they are looking to construct an 8 story 250 condo units building, Tenafly looking to make some town street improvements, and Englewood redesigned the entire Master Plan with approx. 200 residents involved in the process. We don't need to redesign our Master Plan. We may just have to tweak some areas of the plan. With all that we always need to keep up with the times and making changes to make things better. We don't want to start all over we just want to look at things in different ways. I ask this board to think of different things, approaches and that the foundation of our planning is done for you and that now you have to maintain and maybe make some adjustments to it. Again I thank you for your service on behalf of the Mayor & Council and again I wish you all a Happy New Year.

Present at Roll Call:

Mrs. Fehre  
Mr. Trovato  
Mr. Kim, 1<sup>st</sup> Alternate  
Mr. Surace, 3<sup>rd</sup> Alternate  
Mr. S. Kim, 4<sup>th</sup> Alternate  
Mayor Parisi  
Councilwoman Oh

Absent:

Mrs. Rosenberg  
Mr. Dooly  
Mr. Kilmartin  
Mr. Chinman  
Mr. Duffy, 2<sup>nd</sup> Alternate  
Mr. Nikow

Also Present:

Bernard Mirandi, PE, of Boswell Engineering, the Borough's consulting engineer  
Kate Walsh, Esq., of Kates Nussman Rapone Ellis & Farhi, the Board's attorneys.

Chairman Fehre asked for a motion to re-adopt, changed, By-Laws of January 8, 2015. Mayor Parisi made a motion, seconded by Mr. Surace. This motion was approved by a roll call vote. 7 Ayes (Mr. Fehre, Mr. Trovato, Mr. Kiky Kim, Mr. Surace, Mr. Sean Kim, Councilwoman Oh, and Mayor Parisi), No Nays, No Abstentions.

Chairman Fehre asked for a motion to appoint The Law Firm of Kates Nussman Rapone Ellis & Farhi, LLP as Legal Counsel. Mr. Trovato made a motion, seconded by Mr. K. Kim. This motion was approved by a roll call vote. 7 Ayes (Mr. Fehre, Mr. Trovato, Mr. Kiky Kim, Mr. Surace, Mr. Sean Kim, Councilwoman Oh, and Mayor Parisi), No Nays, No Abstentions.

Chairman Fehre asked for a motion to appoint The Firm of Boswell McClave Engineering for engineering consulting services. Mr. K. Kim made a motion, seconded by Mr. Surace. This motion was approved by a roll call vote. 7 Ayes (Mr. Fehre, Mr. Trovato, Mr. Kiky Kim, Mr. Surace, Mr. Sean Kim, Councilwoman Oh, and Mayor Parisi), No Nays, No Abstentions.

Chairman Fehre asked for a motion to name The Record and The Star Ledger as the Board's official newspaper. Councilwoman Oh made a motion, seconded by Mr. K. Kim. This motion was approved by a roll call vote. 7 Ayes (Mr. Fehre, Mr. Trovato, Mr. Kiky Kim, Mr. Surace, Mr. Sean Kim, Councilwoman Oh, and Mayor Parisi), No Nays, No Abstentions.

Chairman Fehre announced that meeting dates for the year of 2015 will be on the second Thursday of each month at 7:30pm at 10 Kahn Terrace.

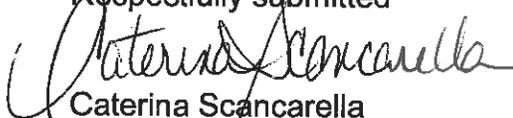
Chairman Fehre announced that the Application Completeness Review Committee, Master Plan Committee and Site Plan & Subdivision Committee will be the following members: Chairman Fehre, Mr. Travoto, and Mr. Surace, and Mr. Sean Kim.

Chairman Fehre asked for a motion to open to public. Mr. Surace made a motion, seconded by Councilwoman Oh, and carried unanimously by voice vote.

There were not public comments.

Chairman Fehre asked for a motion to close the public portion and adjourn the meeting. Mr. K. Kim made a motion, seconded by Mayor Parisi, and carried unanimously by voice vote.

Respectfully submitted



Caterina Scancarella  
Planning Board Administrative Secretary

**ENGLEWOOD CLIFFS PLANNING BOARD**

**REORGANIZATION MEETING – JANUARY 8, 2015 7:30 PM**

10 Kahn Terrace, Englewood Cliffs, NJ

**CALL TO ORDER**

The meeting of the Englewood Cliffs Planning Board will come to order this (date). The time is (time).

**OATH OF OFFICE FOR NEWLY APPOINTED MEMBERS**

- \_\_\_\_\_ - Member
- \_\_\_\_\_ - Member
- \_\_\_\_\_ - 1<sup>st</sup> Alternate
- \_\_\_\_\_ - 2<sup>nd</sup> Alternate
- \_\_\_\_\_ - Class II Member - Borough Representative
- \_\_\_\_\_ - Class III Member - Council Representative

**FLAG SALUTE LED BY:**

**"OPEN PUBLIC MEETINGS ACT" STATEMENT**

Public notice of this meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, Star Ledger, and posting of notice on the municipal building bulletin board at 482 Hudson Terrace, Englewood Cliffs.

Secretary/Administrative Clerk will preside for nominations of Chairman and Vice Chairperson.

Secretary/Administrative Clerk will ask for nominations for Chairman. (Voice Vote)

Secretary/Administrative Clerk will ask for nominations for Vice-Chairman. (Voice Vote)

**COMMENTS FROM MAYOR**

**ROLL CALL**

**RE-ADOPTION OF BYLAWS**

Motion to re-adopt, changed, By-Laws of January 8, 2015.

**BOARD APPOINTMENTS**

Appointment of Board Attorney

Appointment of Board Engineer

**RESOLUTION APPOINTING OF BOARD ATTORNEY**

**RESOLUTION APPOINTING OF BOARD ENGINEER**

**MOTION TO ADOPT RESOLUTION APPOINTING OF BOARD ATTORNEY** - (Roll call vote)

**MOTION TO ADOPT RESOLUTION APPOINTING BOARD ENGINEER** – (Roll call vote)

**ENGLEWOOD CLIFFS PLANNING BOARD**

**REORGANIZATION MEETING – JANUARY 8, 2015 7:30 PM**

10 Kahn Terrace, Englewood Cliffs, NJ

**NAMING OF OFFICIAL NEWSPAPERS**

Motion to name The Record and The Star Ledger as the Board's official newspapers.

**MEETING DATE FOR THE YEAR 2015**

Second Thursday of each month at 7:30 pm at 10 Kahn Terrace

**COMMITTEE APPOINTMENTS**

Application Completeness Review Committee

Master Plan Committee

Site Plan & Subdivision Committee

**OPEN MEETING TO PUBLIC**

Motion to open meeting to public

Motion to close meeting to public

**ADJOURNMENT**

Motion to adjourn Reorganization Meeting.

**Planning Board of the Borough of Englewood Cliffs  
Resolution Appointing Legal Counsel**

**WHEREAS**, the Planning Board of the Borough of Englewood Cliffs, County of Bergen and State of New Jersey, requires professional legal services during the calendar year 2015 which shall include but not be limited to attendance at meetings, preparation of administrative documents and correspondence, legal research, consultation with the Board Members, Administrator, and other municipal personnel, as well as with legal representatives of applicants, and miscellaneous other legal services including litigation, redrafting of Borough ordinances, drafting of resolutions on applications for development, other matters requiring attendance at conferences and work sessions and providing advice; all as a non-fair open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the anticipated term of the contract is (1) one year; and

**WHEREAS**; The Law Firm of Kates Nussman Rapone Ellis & Farhi, LLP has submitted a proposal dated January 15, 2010 (copy appended) indicating that they will provide the legal services at a rate of Two Hundred Fifty (\$250.00) Dollars per meeting and an hourly rate of \$200.00 for all services other than litigation; and

**WHEREAS**, for litigation, the rates for defending the Planning Board shall be as follows:

- Services of Michael B. Kates or any partner of the Law Firm - **\$250/hour**;
- Services of any associate of the Law Firm - **\$175/hour**; and
- Services of any paralegal of the Law Firm - **\$90/hour**.

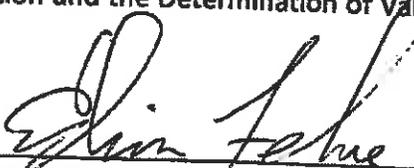
**WHEREAS**, the aforesaid rates are identical to the rates established for the calendar 2010; and

**WHEREAS**; The Law Firm of Kates Nussman Rapone Ellis & Farhi, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that the Law Firm of Kates Nussman Rapone Ellis & Farhi, LLP has not made any reportable contributions to a political or candidate committee in the Borough of Englewood Cliffs in the previous one year, and that the contract will prohibit the Law Firm of Kates Nussman Rapone Ellis & Farhi, LLP from making any reportable contributions through the term of the contract; and

**WHEREAS**, in addition, this contract is for professional services and may be awarded without public bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the Borough of Englewood Cliffs, County of Bergen and State of New Jersey, as follows:

1. A professional services contract with Kates Nussman Rapone Ellis & Farhi, LLP, 190 Moore Street, Suite 306, Hackensack, NJ 07601 is hereby authorized for the calendar year 2015.
2. The Board Chairman and Land Use Administrator are authorized to sign a professional service contract with Kates Nussman Rapone Ellis & Farhi, LLP, in accordance with the following terms and conditions:
  - A. Term: A period not to exceed 12 months.
  - B. Rate: \$250.00 per meeting; \$200.00 per hour for legal services other than litigation; and \$250/\$175/\$90 per hour for litigation.
  - C. Services: The Law Firm shall provide professional legal services.
3. The Land Use Administrator, in accordance with the provisions of N.J.S.A. 40A:11-5 (1)(a)(i), is directed to publish a notice once in The Bergen Record stating the nature, duration, service and amount of this contract.
4. The Land Use Administrator shall make copies of this Resolution available for public inspection at the Municipal Building, 482 Hudson Terrace, Englewood Cliffs, New Jersey, during regular business hours.
5. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this Resolution.

  
Edwin Fehre, Chairman  
Planning Board

I hereby certify that this is a true copy of the Resolution appointing Legal Counsel of the Englewood Cliffs Planning Board, Bergen County, adopted January 8, 2015.

  
Cathy Scanarella  
Land Use Administrator

**KATES NUSSMAN RAPONE ELLIS & FARHI, L.L.P.**

**ATTORNEYS AT LAW**

**190 MOORE STREET**

**SUITE 306**

**HACKENSACK, N.J. 07601-7418**

**TEL. (201) 488-7211**

**FAX (201) 488-1210**

**[info@katefarhi.com](mailto:info@katefarhi.com)**

**MICHAEL B. KATES  
BRUCE L. NUSSMAN  
RICHARD T. RAPONE  
JOEL M. ELLIS \*  
MICHAEL FARHI \*<sup>4</sup>**

**MATTHEW Z. EARLE \*  
ERIN E. DOWGIN \***

\* NJ & NY BARS  
△ SO. DIST. NY/BA. DIST. NY  
● SO. DIST. NY  
◆ MASS  
± NJ & NH

**FOUNDED 1913  
FORMERLY  
PLATOFF, HERTLER, BARKER & NASHEL**

**HOWARD M. NASHEL  
(1936-2006)**

**OF COUNSEL**

**JACK S. ZAKIM  
DAVID A. COBIN \*  
NOAH D. ZAKIM \*  
ALYSIA M. SMICKLEY \***

**January 15, 2010**

**Planning Board  
Borough of Englewood Cliffs  
482 Hudson Terrace  
Englewood Cliffs, New Jersey 07632-2983**

**Dear Chairman Fehre and Members of the Board:**

This is intended to memorialize my offer, on behalf of myself and my law firm, Kates Nussman Rapone Ellis & Farhi, L.L.P. (the "Law Firm"), to continue to serve as counsel to the Englewood Cliffs Planning Board. The rates established below have not changed since our initial retainer in January 2006.

We agree to be compensated for attendance at meetings at the rate of **\$250.00 per meeting**, commencing January, 2009.

With respect to services outside of meeting attendance, directly related to application review, research, communications and preparation of memorialization resolutions, we agree to be compensated out of escrow funds established for each application and paid for by applicants. We shall submit the necessary invoices for same to the Borough and in all other respects comply with the escrow and accounting provisions of the Municipal Land Use Law. We shall invoice said services at the rate of **\$200 per hour**. If a different escrow rate has been established either by ordinance or resolution, it should be reflected in an amendment to such ordinance by the Borough Council or an amendatory resolution by the Council or Planning Board, as the case may be.

With respect to litigation, our rate in defending the Planning Board shall be as follows:

- Services of Michael B. Kates or any partner of the Law Firm - **\$250/hour**;
- Services of any associate of the Law Firm - **\$175/hour**; and
- Services of any paralegal of the Law Firm - **\$90/hour**.

KATES NUSSMAN RAPONE ELLIS & FARHI, LLP.

Planning Board  
Borough of Englewood Cliffs  
January 15, 2010  
Page Two

Although you are retaining the Law Firm, I will be servicing the Planning Board, attending its meetings and making court appearances on its behalf.

Sincerely yours,



MICHAEL B. KATES

MBK:rsk

cc: Ilene Cohen, Acting Borough Administrator

**Planning Board of the Borough of Englewood Cliffs  
Resolution Appointing Engineering Consulting Services**

**WHEREAS**, the Planning Board of the Borough of Englewood Cliffs, County of Bergen and State of New Jersey, requires certain and/or professional services hereinafter described as engineering consulting services for the calendar year 2015, which shall include but not be limited to the following: Serve as the general engineering consultant to the Planning Board; attend all meetings of the Planning Board as requested; advise the Planning Board on all engineering matters under its jurisdiction; the consultant shall be available for consultation by telephone at all reasonable times; represent the Planning Board as its Professional Engineer pursuant to N.J.S.A. 40:55D-24; review site and subdivision plans, as requested; prepare special reports, plans, studies, applications, and similar work, as requested; testify on behalf of the Planning Board before Commissions, Agencies, or Courts of the State of New Jersey, as requested; and

**WHEREAS**, the anticipated term of the contract is (1) one year; and

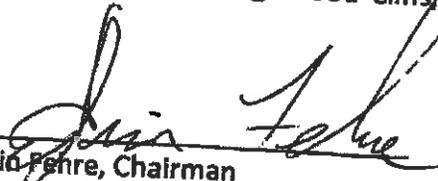
**WHEREAS**, the firm of Boswell McClave Engineering, 330 Philips Avenue, South Hackensack, NJ 07606 was appointed by the Mayor and Council of the Borough of Englewood Cliffs as Borough Engineers at rates established by the Borough Council; and

**WHEREAS**, pursuant to its independent appointive authority the Planning Board of the Borough of Englewood Cliffs intends to confirm the appointment of Boswell McClave Engineering and its principal, Bernard N. Mirandi, P.E., to fulfill the engineering consulting services required by this Planning Board;

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Englewood Cliffs, County of Bergen, and State of New Jersey, as follows:

1. The appointment of Boswell McClave Engineering and its principal, Bernard N. Mirandi, P.E., for engineering consulting services to the Planning Board of the Borough of Englewood Cliffs for the calendar year 2015 and at the rates to be determined by the Mayor and Council is hereby acknowledged.
2. The Chairman and Land Use Administrator are authorized to sign this resolution of appointment, in accordance with the following terms and conditions:
  - A. Term: A period not to exceed 12 months.
  - B. Services: Shall provide professional engineering services.
3. The Land Use Administrator, in accordance with the provisions of N.J.S.A. 40A:11-5 (1)(a)(i), is directed to publish a notice once in The Bergen Record stating the nature, duration, service and amount of this contract.

4. The Land Use Administrator shall make copies of this Resolution available for public inspection at the Municipal Building, 482 Hudson Terrace, Englewood Cliffs, New Jersey, during regular business hours.

  
Edwin Fenre, Chairman  
Planning Board

I hereby certify that this is a true copy of the Resolution appointing of the Englewood Cliffs Planning Board, Bergen County, adopted January 8, 2015.

  
Cathy Scancarella  
Land Use Administrator