



**BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL

DATE: April 8, 2015

CALL TO ORDER: 8:00 P.M.

PRESENT AT ROLL CALL:

Mayor	Joseph C. Parisi, Jr.
Councilwoman	Lauren Eastwood
Council President	Joe Favaro
Councilman	Zhi Liang
Councilwoman	Gloria Oh
Councilman	Nunzio Consalvo
Councilman	Ed Aversa

ALSO PRESENT:

Borough Attorney	E. Carter Corrison
Borough Engineer	Bernie Mirandi
Chief of Police	Michael Cioffi
DPW Superintendent	Mark Neville
Municipal Clerk	Lisette M. Duffy

FLAG SALUTE LEAD BY: Council President Favaro

BOROUGH CLERK STATED:

Adequate notice of this meeting was given to the press and posted as required. Date and time of these meetings was legally given as required by the "Open Public Meetings Act." This notice is on file with the Municipal Clerk and posted on the bulletin board. Minutes of this meeting will be made available to the public upon the completion of typing and proofreading by the Municipal Clerk.

• **PROCLAMATIONS**

- **Arbor Day 2015, read by Councilman Aversa.**
- **Armenian Commemoration 2015, read by Council President Favaro.**
- **Reflections PTA, read by Mayor Parisi**

Mayor Parisi presented the Reflections PTA Awards to the following recipients:

Sidney Chung	Sujan Munver	Ryan Ayers
Joshua Lee	Radha Munver	

Rose Cravotta thanked the Mayor and Council for the Armenian proclamation.

MINUTES: Caucus & Regular Minutes of March 11, 2015
Closed Session Minutes for January 15, 2014, March 12, 2014, October 6, 2014 and
November 12, 2014

On a motion by Council President Favaro , seconded by Councilwoman Oh , Caucus and Regular Meeting minutes of March 11, 2015 and Closed Session Minutes for January 15, 2014, March 12, 2014, October 6, 2014 and November 12, 2014 were approved.

ALL IN FAVOR:

AYES: Eastwood, Liang, Favaro, Oh, Consalvo, Aversa

ABSTAIN: Eastwood – Closed session minutes, 1-15-14, 3-12-14, 10-6-14 & 11-12-14.

CLAIMS FOR THE PERIOD: March 12, 2015 through April 8, 2015

On a motion by Councilman Liang, seconded by Council President Favaro and carried unanimously the Claims were ordered paid.

ROLL CALL:

AYES: Eastwood, Liang, Favaro, Oh, Consalvo, Aversa

DEPARTMENT HEAD REPORTS for March 2015

Finance Department
Fire Department
Municipal Court
Building Department
Police Department
Borough Engineer

On a motion by Council President Favaro , seconded by Councilman Aversa and carried unanimously, the Department Head Reports for March 2015 were approved.

ROLL CALL:

AYES: Eastwood, Liang, Favaro, Oh, Consalvo, Aversa

CORRESPONDENCE: Yvonne Favaro, Shade Tree Commissioner
Steven Muhlstock, Esq.

On a motion by Council President Favaro, seconded by Councilman Aversa and carried unanimously, correspondence was ordered filed:

ROLL CALL:

AYES: Eastwood, Liang, Favaro, Oh, Consalvo, Aversa

PUBLIC PORTION:

The Mayor stated "IF ANYONE WISHES TO COMMENT ON THE RESOLUTIONS OR ANY OTHER ITEM OTHER THAN ORDINANCES, THEY MAY DO SO AT THIS TIME."

On a motion by Councilman Aversa , seconded by Councilman Consalvo and carried unanimously, the meeting was open to the public.

ALL IN FAVOR:

AYES: Eastwood, Liang, Favaro, Oh, Consalvo. Aversa

PUBLIC SPOKE:

Gerry Misk, 1 Samford Drive, Englewood Cliffs, NJ, thanked everyone for the Armenian Proclamation.

Carrol McMorrow, 7 Ridge Road, Englewood Cliffs, NJ, remembers another ordinance regarding the shed and Pershing Pond.

Roberta Books, 6 Demarest Court, Englewood Cliffs, NJ spoke about funding into 2016.

Mary O'Shea, 12 Irving Ave, Englewood Cliffs, NJ questioned Arbor Day, approves of the new street names and spoke about the coyote problem.

Police Chief Cioffi responded that two animal traps are being monitored daily by the The Bergen County Animal Shelter.

Yvonne Favaro, 70 Johnson Ave, Englewood Cliffs, NJ addressed Arbor Day.

On a motion by Council President Favaro, seconded by Councilwoman Oh and carried unanimously, the public portion was closed.

ALL IN FAVOR:

AYES: Eastwood, Liang, Favaro, Oh, Consalvo, Aversa

RESOLUTIONS 2015:

Consent Agenda

57 - Acquisition of Federal Surplus Property from the Department of Defense

58 – Transfer Appropriation Reserves

CONSENT AGENDA

All matters listed below are considered to be routine in nature and was enacted by one motion. There was separate discussion of these items. If any discussion was desired by the Council, that particular item was removed from the Consent Agenda and was considered separately.

On a motion by Council President Favaro and seconded by Councilman Liang, Resolutions 57 and 58 were adopted.

ROLL CALL:

AYES: Eastwood, Liang, Favaro, Oh, Consalvo, Aversa

RESOLUTION 15-57

ACQUISITION OF FEDERAL SURPLUS PROPERTY FROM THE DEPARTMENT OF DEFENSE

WHEREAS, the State of New Jersey has adopted NJSA 40A:5-30.1 and 30.2 regarding the purchase of Federal Surplus Property from the Department of Defense; and

WHEREAS, the Borough of Englewood Cliffs wishes to adopt this resolution approving the Borough's and Police Department to apply for Surplus Property;

NOW THEREFORE, BE IT RESOLVED that the Borough hereby approves the application of the Borough and Police Department to apply to the Department of Defense for acquisition of Federal Surplus Property pursuant to NJSA 40A:5-30.1 and 30.2.

RESOLUTION 15-58

RESOLUTION TO TRANSFER APPROPRIATION RESERVES

WHEREAS, various 2014 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2014 Budget in the last two months of 2014; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the closed of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Englewood Cliffs, in the County of Bergen, State of New Jersey, (2/3 of the majority of the full membership concurring herein) that the transfers in the amount of \$72,953.77 be made between the 2014 Budget Appropriation Reserves as follows:

CURRENT FUND

<u>ACCOUNT</u>	<u>IN</u>	<u>OUT</u>
STREETS AND ROADS O/E	\$ 20,000.00	
ENGINEERING	\$ 20,000.00	
PUBLIC BUILDINGS AND GROUNDS O/E	\$ 5,000.00	
UTILITIES - STREET LIGHTING	\$ 24,907.35	
UTILITIES - WATER	\$ 3,046.42	
FINANCIAL ADMINISTRATION O/E		\$ 15,000.00
INSURANCE - GROUP FOR EMPLOYEES		\$ 26,912.78
PLANNING BOARD O/E		\$ 31,040.99
	<u>\$ 72,953.77</u>	<u>\$ 72,953.77</u>

Mayors VETO – Resolution 15-51

Councilwoman Eastwood spoke about the Mayor’s veto power.

Borough Attorney responded to Councilwoman Eastwood’s concerns. The Mayor was given the wrong legal advice, therefore, the Mayor’s vote was null and void. Borough Attorney stressed that in closed session, no one was against the appeal and it wasn’t until it was out in public, that the issue came up.

PUBLIC HEARING

Ordinance 15-03 – ORDINANCE AMENDING ORDINANCE 7003 AND ESTABLISHING ANNUAL FEES FOR PLENARY RETAIL CONSUMPTION LICENSES

On a motion by Councilwoman Oh, seconded by Council President Favaro and carried, the public hearing was opened relative to Ordinance 15-03 entitled, “AMENDING ORDINANCE 7003 AND ESTABLISHING ANNUAL FEES FOR PLENARY RETAIL CONSUMPTION LICENSES AND A CLUB LICENSE WITHIN THE CONFINES OF THE BOROUGH OF ENGLEWOOD CLIFFS, COUNTY OF BERGEN, STATE OF NEW JERSEY ”.

There being no additional discussion, the public hearing was closed on motion by Councilman Aversa, seconded by Council President Favaro.

On a motion by Council President Favaro, seconded by Councilwoman Eastwood, Ordinance 15-03 was adopted.

ROLL CALL:

AYES: Eastwood, Liang, Favaro, Oh, Consalvo, Aversa

ORDINANCE 15-03

ORDINANCE AMENDING ORDINANCE 7003 AND ESTABLISHING ANNUAL FEES FOR PLENARY RETAIL CONSUMPTION LICENSES AND A CLUB LICENSE WITHIN THE CONFINES OF THE BOROUGH OF ENGLEWOOD CLIFFS, COUNTY OF BERGEN, STATE OF NEW JERSEY

BE IT ORDAINED by the Mayor and Council of the Borough of Englewood Cliffs, in the County of Bergen and State of New Jersey:

- 1) Section 1 of Ordinance No. 7003 entitled “An Ordinance Concerning Alcoholic Beverages and the Regulation Thereof within the Borough of Englewood Cliffs” is hereby amended to read as follows:

SECTION 1:

- A. The annual fee for a plenary retail consumption license shall be \$2400.00**
- B. The annual fee for a club license shall be \$150.00.**

- 2) All parts of ordinances inconsistent herewith are hereby repealed.
- 3) This ordinance shall take effect immediately after final adoption and passage according to law.

FIRST HEARING AND INTRODUCTION - ORDINANCES

Ordinance 15-04 – AN ORDINANCE CHANGING NAME AND DESIGNATION OF NEAL DRIVE IN THE BOROUGH OF ENGLEWOOD CLIFFS TO WUNSCH WAY, COUNTY OF BERGEN, STATE OF NEW JERSEY

On a motion by Councilwoman Eastwood, seconded by Council President Favaro and carried unanimously, Ordinance 15-04 entitled “AN ORDINANCE CHANGING NAME AND DESIGNATION OF NEAL DRIVE IN THE BOROUGH OF ENGLEWOOD CLIFFS TO WUNSCH WAY, COUNTY OF BERGEN, STATE OF NEW JERSEY”, was introduced and passed on the first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance is scheduled for **May 13, 2015**.

ROLL CALL:

AYES: Eastwood, Liang, Favaro, Oh, Consalvo, Aversa

Ordinance 15-05 – AN ORDINANCE CHANGING NAME AND DESIGNATION OF MARILYN DRIVE IN THE BOROUGH OF ENGLEWOOD CLIFFS TO MONTIGNY DRIVE, COUNTY OF BERGEN, STATE OF NEW JERSEY

On a motion by Council President Favaro, seconded by Councilwoman Oh and carried unanimously, Ordinance 15-05 entitled “AN ORDINANCE CHANGING NAME AND DESIGNATION OF MARILYN DRIVE IN THE BOROUGH OF ENGLEWOOD CLIFFS TO MONTIGNY DRIVE, COUNTY OF BERGEN, STATE OF NEW JERSEY”, was introduced and passed on the first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance is scheduled for **May 13, 2015**.

ROLL CALL:

AYES: Eastwood, Liang, Favaro, Oh, Consalvo, Aversa

COMMITTEE REPORTS

COUNCILWOMAN EASTWOOD - no report

COUNCILMAN LIANG gave a budget update and said the numbers need to be redone.

COUNCIL PRESIDENT FAVARO – no report

COUNCILWOMAN OH spoke about the Assembly Bill being considered for adoption by the NJ State Assembly to provide clarity to local property taxpayers.

The Mayor is in favor of this bill.

COUNCILMAN CONSALVO reported that the Board of Education will introduce their budget on May 4.

COUNCILMAN AVERSA asked for a Firehouse renovation motion to go out to bid. The Recreation Committee will meet to discuss spring and summer events.

On a motion by Councilman Aversa, seconded by Council President Favaro, the Borough Clerk will give the bid specs to the Borough Attorney for his professional review and then go out to bid for Firehouse renovation. The motion passed.

ROLL CALL:

AYES: Eastwood, Liang, Favaro, Oh, Consalvo, Aversa

DPW SUPERINTENDENT NEVILLE reported that he is working on the paper shredding event scheduled for June 20.

BOROUGH ENGINEER MIRANDI reported that he is working on the 2015 Road Program. The striping for the 2014 Road Program will be finalized.

POLICE CHIEF CIOFFI reported that he is working on a drill with CNBC. The Witte Clinic begins April 25. There have been numerous vehicle break-ins.

BOROUGH ATTORNEY reviewed the DPW contract with DPW Superintendent.

BOROUGH CLERK gave the following statement on the 2011 Closed Session minutes:

Mayor, I would like to clarify and report my findings regarding 2011 closed session minutes. I respectfully request that my comments become part of tonight's meeting.

My assistant and I thoroughly checked the prior Clerk's office and paper files. We were unable to locate any 2011 closed session minutes.

I along with our IT Personnel checked the prior Clerk's emails and electronic files and we were unable to locate 2011 closed session minutes.

Storage boxes in Borough Hall and DPW were also checked. Adopted minutes do not get put into storage; they are kept in the office.

I contacted 4 of the 6 Council members that were in office in 2011. They confirmed they were not given closed session minutes for 2011, 3 of the 4 were absolutely sure.

A transcriptionist was hired by the prior Clerk and minutes were typed for June, August and September 2011. These minutes were submitted for Council's approval by me in 2012.

I contacted Doug Doyle, Borough Attorney in 2011 and asked if he had or was given any minutes in 2011 to approve. In a response to me, Mr. Doyle says the following:

Dear Ms. Duffy:

You have asked us to search our files to determine if we have or were provided with closed session or regular meeting minutes from the Borough Clerk during the year 2011.

We have searched our paper files and electronic email database for any communications from the Borough concerning closed session minutes or regular meeting minutes

we would have received during the year 2011 and have not located any closed session or regular meeting minutes or any drafts of such minutes.

Please let us know if you need anything further.

Thank you.

Very truly yours,

Douglas F. Doyle

UNFINISHED/NEW BUSINESS:

Councilwoman Eastwood is pleased that closed session minutes are being done. The Councilwoman requested that all 2010 minutes be n ani2010

Carrol McMorrow, former Councilwoman, spoke about the closed session minutes.

Councilwoman Eastwood suggested that the Council request written opinion from the Bond Counsel for cancelling specific capital ordinances.

On a motion by Councilwoman Eastwood, seconded by Councilman Consalvo, written opinion from Bond Counsel will be requested for capital Ordinances 06-19, 07-05, 07-20, 07-24, 08-01, 08-09, 09-05, 09-12, 09-13, 09-14 and any other ordinances that the Council decides to cancel. The motion passed.

ROLL CALL:

AYES: Eastwood, Liang, Favaro, Consalvo

NAYS: Oh, Aversa

The Mayor will instruct the Borough Clerk to request written opinion from Bond Counsel on the above ordinances.

The Mayor asked Councilwoman Eastwood to email the list of specific ordinances to the Borough Clerk.

Councilwoman Eastwood read a statement regarding the police advertisement and asked for a motion to re-advertise for a police officer.

A motion was made by Councilwoman Eastwood, seconded by Councilman Consalvo, to re-advertise for a police officer. The motion did not pass.

ROLL CALL:

AYES: Eastwood, Liang, Consalvo

NAYS: Favaro, Oh, Aversa, Mayor Parisi

As result of a tie, Mayor Parisi cast the tie-breaking vote resulting in the motion being defeated. Seeing and hearing none, the meeting was adjourned at 9:16 P.M.

Respectfully submitted by Lisette M. Duffy, RMC Borough Clerk.

ATTEST:



Lisette M. Duffy, RMC Borough Clerk