



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

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL

DATE: AUGUST 12, 2015

CALL TO ORDER: 8:27 P.M.

PRESENT AT ROLL CALL:

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

ABSENT:

Councilman	Zhi Liang
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ALSO PRESENT:

Borough Attorney	E. Carter Corriston
Borough Engineer	Bernie Mirandi
Chief of Police	Michael Cioffi(<i>arrived 8:30 P.M.</i>)
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.

MINUTES: Caucus & Regular Minutes of July 8, 2015

On a motion by Council President Favaro , seconded by Councilman Aversa, Caucus and Regular Meeting minutes of July 8, 2015 were approved.

ALL IN FAVOR:

AYES: Eastwood, Favaro, Oh, Consalvo, Aversa

CORRESPONDENCE: Steven Muhlstock, Esq.
Donald Lenner, Esq.

ALL CORRESPONDENCE WAS ORDERED TO BE FILED.

CLAIMS FOR THE PERIOD: July 9, 2015 through August 12, 2015

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

ROLL CALL:

AYES: Eastwood, Favaro, Oh, Consalvo, Aversa

DEPARTMENT HEAD REPORTS for July 2015

On a motion by Councilwoman Eastwood, seconded by Council President Favaro and carried unanimously, the all Department Head Reports for July 2015 were approved.

ALL IN FAVOR:

AYES: Eastwood, 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 Councilwoman Oh , seconded by Council President Favaro and carried unanimously, the meeting was open to the public.

ALL IN FAVOR:

AYES: Eastwood, Favaro, Oh, Consalvo, Aversa

PUBLIC SPOKE:

Mary O'Shea, 12 Irving Ave, Englewood Cliffs, NJ, questioned Resolution 102 and background checks.

Carin Geiger, 270 Alfred Street, Englewood Cliffs, NJ, asked if we could talk about Ad Hoc Committee.

The Mayor responded that this would be discussed later at this meeting.

Tony Morfesis, 26 John Street, Englewood Cliffs, NJ asked about the possibility of placing a "No Turn on Red" sign at the traffic light on John Street.

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

ALL IN FAVOR:

AYES: Eastwood, Favaro, Oh, Consalvo, Aversa

RESOLUTIONS: *Consent Agenda*

- 102 – Authorization to Hire DPW Employee
- 103 – Tax Appeal Block 713, Lot 17
- 104 – Police Department Equipment Disposal

- 105 – Renewal of Liquor License 0216-33-001-005 495 Sylvan Avenue Bar LLC
- 106 – Fire Department Equipment Disposal
- 107 – Tax Appeal Block 806, Lot 7 & Block 808, Lot 9
- 108 – COAH Fair Share Analysis
- 109 – Authorization of Replacement for Totaled Police Vehicle
- 110 – Cancel Grant Appropriations
- 111 – Authorization to Sign Deed of Easement
- 112 – Tax Appeal Block 314, Lot 11 (added at meeting)
- 113 – 113 Approving LG Settle Agreement
- 114 – LG Resolution Urging Passage of State Legislation

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.

The Mayor recused from Resolution 15-105 and left the podium. Council President Favaro presided.

On a motion by Council President Favaro and seconded by Councilman Aversa, Resolution 105 was adopted.

ROLL CALL:

AYES: Eastwood, Favaro, Oh, Consalvo, Aversa

The Mayor returned to the podium.

The Mayor recused from Resolution 15-107 and left the podium. Council President Favaro presided.

Council President Favaro spoke about Resolution 15-107. The tax assessments were made at prime value when the values were high. If we go to trial, the cost will double.

A motion was made by Council President Favaro and seconded by Councilwoman Oh, to authorize Bond Counsel and Auditor to prepare a refunding bond ordinance to pay this amount.

ROLL CALL:

AYES: Favaro, Oh, Aversa

NAYS: Eastwood, Consalvo

Borough Attorney stated that in order to effect a settlement, four affirmative votes will be required.

On a motion by Councilman Aversa, and seconded by Councilwoman Oh, Resolutions 102, 103, 104, 106, 108, 109, 110, and 111 were adopted.

ROLL CALL:

AYES: Eastwood, Favaro, Oh, Consalvo, Aversa

RESOLUTION 15-102

A RESOLUTION TO HIRE PUBLIC WORKS EMPLOYEE

WHEREAS, There is a need for an employee in the Public Works Department; and,

WHEREAS, Mark Neville, Public Works Superintendent, has interviewed applicants and has made a recommendation to hire an employee with a required New Jersey State CDL License and grounds maintenance experience; and,

NOW, THEREFORE, BE IT RESOLVED, that Gregory Rommes, the possessor of a NJ CDL license, is hereby hired as a Driver/Laborer in the Public Works Department on a full-time basis at a starting salary of \$27,000.

Employment is conditional upon background check and six (6) month probationary period.

RESOLUTION 15-103

WHEREAS, Deng Liao is the owner and taxpayer of property located at 138 Hollywood Avenue in the Borough of Englewood Cliffs, at Block 713, Lot 17; and

WHEREAS, taxpayer filed 2014 and 2015 real property tax appeals, which matters are presently pending in the Tax Court of New Jersey; and

WHEREAS, it is the opinion of the Tax Assessor, Appraiser and Tax Appeal Attorney that the settlement of these matters is in the best interests of the Borough of Englewood Cliffs;

NOW, THEREFORE, be it

RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs that the Borough's Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to settle litigation entitled Liao vs. Englewood Cliffs; and be it further

RESOLVED that for both tax years 2014 and 2015, the assessment of \$1,348,900 will be reduced to \$1,250,000, resulting in a total refund, inclusive of both years, of approximately \$1,750; and be it further

RESOLVED that the aforesaid settlement is predicated upon a waiver of payment of interest on any refund.

RESOLUTION 15-104

A RESOLUTION AUTHORIZING THE DISPOSAL OF UNREPAIRABLE POLICE DEPARTMENT EQUIPMENT

WHEREAS, the Borough of Englewood Cliffs Police Department has accumulated various pieces of equipment that can no longer be used for emergency purposes; and

WHEREAS, that this equipment has outlived its usefulness; and

WHEREAS, the Borough of Englewood Cliffs Police Department desires to dispose of the outdated and un-used equipment; and

WHEREAS, the Borough of Englewood Cliffs Police Chief inventoried all unrepairable equipment and identified those items below; and

Ruger Police 9mm Carbine Rifle Serial #'s

470-19023		470-19949
470-15036		470-19158
470-16932		470-19911
470-16984		470-19962
470-19137		470-19931
470-17314		470-19918

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Englewood Cliffs does hereby approve the disposal of unrepairable police equipment that no longer functions for emergency use, or is unfit for the use for which it was acquired for, and that the equipment has no value, and may be discarded properly.

RESOLUTION 2015-105

TITLE: Renewal of Plenary Retail consumption Licenses

WHEREAS, application for Plenary Retail Consumption Licenses have been made by the following and;

WHEREAS, no protests have been filed with the Municipal Clerk;

NOW, THEREFORE BE IT RESOLVED, that the Municipal Clerk be hereby authorized and directed to issue a Plenary Retail consumption License to the following applicants, subject to payment of the proper fees as set forth in the Borough Ordinance.

0216-33-001-005	495 SYLVAN AVENUE BAR LLC
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RESOLUTION 15-106

A RESOLUTION AUTHORIZING DISPOSAL OF UNREPAIRABLE FIRE DEPT. EQUIPMENT

WHEREAS, the Borough of Englewood Cliffs Fire Department has accumulated various pieces of equipment that can no longer be used for emergency purposes; and

WHEREAS, this equipment has outlived its usefulness; and

WHEREAS, the Borough of Englewood Cliffs Fire Department desires to dispose of the unrepairable equipment; and

WHEREAS, the Borough of Englewood Cliffs Fire Chief inventoried all unrepairable equipment and identified those items below; and

**Motorola
Minitor 2
646XWU29RK**

**SERIAL #
MD5XTW26Q3**

**Motorola
Portable HT1000
402AUS2589**

**Motorola Portable
HT 440
402AGL1271**

646XYC26LR	MD5XTW26Q4	402AUS2593	402AGL1275
MD5BSW29JW	MD5XTW26Q5	402AUS2588	402AGL1269
646XYC26LM	MD5XTW26Q7	402AUS2587	402AGL1276
MD5BSW29JO	646XYC22ZT	402ATU6397	402AGL1270
646XWU28RL	646XYC26LN	402AUY5885	
MD5XTW26PV	646XYC26LQ	402AUS2592	7 PORTABLE MIC
MD5BSW29JP		No Ser. #	
		402AUY5886	Motorola Radius GP300
Motorola			
Minitor 1	SERIAL #	402AUS2590	174ISQA056
233AGL4644	233AGN0143	402AUS2585	174ISQA037
233AGN0165	233AGL4646		
		3 Firefly II Pass Alarms	Motorola Portable MT 1000 – No Serial #
233AGN0160	233AGN0156	41931	
233AGN4648	233ACJ0920		
		56588	24 Motorola pager charging docks with antennas, circa 1982
233AGL4650	233AGN0150		
233AGN0148	233AGL4649	43843	
233AGL4652	233AGN0155		
			2 MSA Altair Mini CO detectors
233AGL4647	233AGN0157		
233AGN0154	233AGN0144		
233AGN0148	233AGN0146		
233AGN0141	233AGN0152		
233AGN0161	233AGN0153		

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Englewood Cliffs does hereby approve the disposal of unrepairable fire equipment that no longer functions for emergency use, or is unfit for the use for which it was acquired for, and that the equipment has no value, and may be discarded properly.

RESOLUTION 15-107

WHEREAS, Unilever Bestfoods/Conopco, Inc. is the owner and/or taxpayer of property located at 680 - 700 Sylvan Avenue in the Borough of Englewood Cliffs, at Block 806, Lot 7 and Block 808, Lot 9; and

WHEREAS, the taxpayer filed real property tax appeals from 2008 through 2015, which matters are presently pending in the Tax Court of New Jersey; and

WHEREAS, it is the opinion of the Tax Assessor, Appraiser and Tax Appeal Attorney that the settlement of these matters is in the best interests of the Borough of Englewood Cliffs;

NOW, THEREFORE, be it

RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs that the Borough's Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents

necessary in order to settle litigation entitled Unilever Bestfoods/Conopco, LLC vs. Englewood Cliffs; and be it further

RESOLVED that for tax year 2008, the assessment of \$82,242,000 will be reduced to \$57,000,000; for tax year 2009, the assessment of \$95,694,100 will be reduced to \$65,000,000; for tax year 2010, the assessment of \$95,694,100 will be reduced to \$80,000,000; for tax year 2011, the assessment of \$97,314,100 will be reduced to \$80,000,000; for tax year 2012, the assessment of \$97,314,100 will be reduced to \$80,000,000, for tax year 2013, the assessment of \$97,314,100 will be reduced to \$80,000,000; for tax year 2014, the assessment of \$97,314,100 will be reduced to \$75,000,000, and for tax year 2015, the assessment of \$97,314,100 will be reduced to \$70,000,000, resulting in a total refund, inclusive of all years under appeal, of approximately \$1,400,000; and be it further

RESOLVED that the aforesaid settlement is predicated upon a waiver of payment of interest on any refund.

RESOLUTION 15-108

WHEREAS, the Borough of Englewood Cliffs has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey Bergen County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Borough of Englewood Cliffs desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA”), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter “the Rutgers Agreement”) and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”) will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Englewood Cliffs, as follows:

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Borough of Englewood Cliffs for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Borough of Englewood Cliffs and is appended hereto.
4. The Mayor be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Borough of Englewood Cliffs in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Borough of Englewood Cliffs hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Borough of Englewood Cliffs the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Borough of Englewood Cliffs will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.

7. This Resolution shall take effect immediately.

RESOLUTION 15-109

RE: AUTHORIZATION TO PURCHASE POLICE VEHICLE FROM WINNER FORD

WHEREAS a police vehicle was destroyed in a criminal chase; and

WHEREAS, the Borough of Englewood Cliffs hereby desires to purchase a 2016 Police Interceptor Utility Base Vehicle pursuant to New Jersey State Contract #88728 from Cherry Hill Winner Ford, in the amount of \$39,890.00; and

WHEREAS it is the desire of the Mayor and Council to replace the vehicle using insurance funds received in the amount of \$16,483.04; and

WHEREAS, the CFO has certified that the additional funds for this purchase are available as in the 2015 approved Budget; and

NOW, THEREFORE, BE IT RESOLVED that the Borough of Englewood Cliffs is hereby authorized to purchase a 2016 Police Interceptor Utility Base Vehicle pursuant to New Jersey Contract #88728 from Cherry Hill Winner Ford and the Mayor is authorized to execute the New Jersey Contract in regard to same, subject to approval by the Borough Attorney.

RESOLUTION 15-110

RE: RESOLUTION CANCELLING GRANT APPROPRIATIONS

WHEREAS a Police Department Grant was appropriated in the 2015 Municipal Budget; and

WHEREAS this Grant was appropriated in error; and

WHEREAS the Mayor and Borough Council wishes to cancel said Grant.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Englewood Cliffs, that the following Grant Appropriation and Reserve are hereby cancelled.

State Police Grant

\$34,66
4.95

RESOLUTION 15-111

WHEREAS, ZNS REALTY, LLC whose address is 7 Seventh Street, Englewood Cliffs, New Jersey is developing a certain real property known as 9 Fifth Street, Englewood Cliffs, New Jersey; and

WHEREAS, it is necessary for them to receive a Treatment Workers approval from the State of New Jersey; and

WHEREAS, it is required for them to grant an easement to the Borough of Englewood Cliffs, New Jersey for a public sewer;

NOW THEREFORE, BE IT RESOLVED, that the Borough of Englewood Cliffs, New Jersey will accept an Easement and the conditions thereof from ZNS Realty, LLC in regard to Same and that the Mayor is authorized to sign the Deed of Easement as Grantee.

RESOLUTION 15-112

WHEREAS, Sylvan Cliffs, LLC c/o Muscarelle is the owner and taxpayer of property located at 180 Sylvan Avenue in the Borough of Englewood Cliffs, at Block 314, Lot 11; and

WHEREAS, taxpayer has filed 2008, 2009, 2010, 2011, 2012, 2013 and 2014 real property tax appeals, which matters are presently pending in the Tax Court of New Jersey; and

WHEREAS, it is the opinion of the Tax Assessor, Appraiser and Tax Appeal Attorney that the settlement of these matters is in the best interests of the Borough of Englewood Cliffs;

NOW, THEREFORE, be it

RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs that the Borough's Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to settle litigation entitled "Sylvan Cliffs, LLC c/o Muscarelle vs. Englewood Cliffs"; and be it further

RESOLVED that for tax years 2008, 2009 2010, 2011, 2012, 2013 and 2014 the assessment of \$10,254,600 will be reduced to \$6,500,000 for the years resulting in a total refund, inclusive of all years, of \$210,443; and be it further

RESOLVED that the aforesaid settlement is predicated upon a waiver of payment of interest on any refund, provided the refund is paid within 60 days of entry of Judgment by the Tax Court or at such date as may be consented to by the plaintiff pending the Borough's receipt of funding from any tax refunding bond.

RESOLUTION 15-113

Whereas, on June 23, 2015, after months of negotiation, the Natural Resources Defense Council, the New Jersey Conservation Foundation, Scenic Hudson, the New York-New Jersey Trails Conference, the New Jersey State Federation of Women's Clubs("Conservation Groups"), and LG USA signed a Settlement Agreement (the "Settlement Agreement"), and

Whereas, the "Settlement Agreement" will protect the Palisades viewshed, which has the dual national designation as both a natural and historic treasure, and

Whereas, the "Settlement Agreement" promotes the public good and is consistent with the goals expressed in our Master Plan to maximize open space, to maintain a desirable visual environment, to prevent overcrowding, as well as to protect and promote the conservation of historic sites and valuable natural resources, and

Whereas, the "Settlement Agreement" calls for LG USA to build a five-story north wing just shy of the 70 feet in height, and a three-story south wing, protecting the scenic views of the Palisades

Whereas, the "Settlement Agreement" provides for landscaping, lighting and other design features which will further reduce visual impacts, and

Whereas, the "Settlement Agreement" affirms a design which aspires for LEED Platinum certification and includes protecting woodlands and six wetlands on the 27 acre site, and

Whereas, the "Settlement Agreement" will also further the State goals of providing jobs and tax revenue by adding over \$25 million annually in direct, indirect and recurring revenues, including thousands of much-needed construction jobs,

Now, therefore, we the Mayor and Council of the Borough of Englewood Cliffs commends LG USA on its historic settlement with the Conservation groups that will allow LG USA to build its North American headquarters in Englewood Cliffs. We extend our appreciation to LG USA for its willingness to renegotiate the terms of its already approved development application to build a headquarters in Englewood Cliffs which will preserve the majesty of the Palisades, enhance our community, and meet its business needs. Accordingly, we applaud and

endorse the "Settlement Agreement" as protective of the public interest in Englewood Cliffs, in Bergen County, in the State of New Jersey and in the United States of America.

RESOLUTION 15-114

RESOLUTION OF THE BOROUGH OF ENGLEWOOD CLIFFS, NEW JERSEY, ENDORSING AND URGING PASSAGE OF STATE LEGISLATION TO PROTECT THE VIEWSHED OF THE HUDSON PALISADES

WHEREAS, in 1964, the Congress of the United States of America designated the Hudson Palisades as a National Historic Landmark;

WHEREAS, in 1983, the Secretary of the United States Department of the Interior designated the "Palisades of the Hudson" as a National Natural Landmark, thus bestowing upon the Hudson Palisades a rare additional national landmark distinction;

WHEREAS, the Borough Council of Englewood Cliffs (the "Borough Council" and the "Borough" respectively) has determined that a desirable visual environment, and the protection of historic and natural resources, warrants height limitations on development that might otherwise compromise or undermine the scenic vista of the Hudson Palisades;

WHEREAS, the Borough Council unanimously passed Ordinance 14-11 on August 13, 2014, to restore and reaffirm the Borough's long standing traditional thirty-five (35) foot height limitation on all buildings within the Borough to ensure continued protection of the Palisades viewshed;

WHEREAS, the Natural Resources Defense Council, the New Jersey Conservation Foundation, Scenic Hudson, the New York-New Jersey Trails Conference, the New Jersey State Federation of Women's Clubs, and LG USA have signed a Settlement Agreement on June 23, 2015 (the "Settlement Agreement");

WHEREAS, in accordance with the terms of the Settlement Agreement, LG USA has announced that it will proceed to build its North American Headquarters in the Borough; and

WHEREAS, the Borough Council has now determined that it is necessary and desirable to make a commitment to protect the Palisades in perpetuity for the benefit of future generations of the Borough, the State of New Jersey, and the United States of America;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs as follows:

1. The Borough Council's commitment to the Borough's long-standing traditional thirty-five (35) foot height limitation is hereby affirmed.
2. The Borough Council hereby supports and urges passage of legislation by the State of New Jersey that would establish a "Preservation Zone" for the Palisades, such zone extending from

the southern boundary of the Borough of Englewood Cliffs north to the New York State border, and two thousand (2,000) feet landward from, and parallel to, the line formed by the top or steep ridge of the Palisades, or the crest of the slope in places where the steep Palisades rocks are absent; provided that such legislation shall:

- a. Include a 35 foot maximum height limitation for all new development within the Preservation Zone in the Borough except the development governed by the "Settlement Agreement" with LG, USA.
- b. Codify existing Borough zoning within the Preservation Zone which the Borough has long determined is protective;
- c. Grandfather within the Preservation Zone any and all existing structures which may exceed the 35 foot height limitation;
- d. Exempt, within the Preservation Zone, all public utilities, including water towers, cell towers, communication devices, and any other devices governed by federal regulation;
- e. Permit height variances that are less than 10% of the maximum height limitation of 35 feet established in the Preservation Zone, and

BE IT FURTHER RESOVLED that:

1. The Mayor and Council reserve the right to comment on the legislation to establish a Palisades Preservation Zone after such legislation has been drafted by the State, and
2. A copy of this resolution shall be sent by the Borough Clerk to: State Senator Bob Smith, State Senator Loretta Weinberg, State Assemblyman John F. McKeon, State Assemblywoman Valerie Huttle, State Assemblyman Gordon Johnson, Bergen County Executive John Tedesco III, the Bergen County Board of Chosen Freeholders, the Mayor and Council of Alpine, the Mayor and Council of Tenafly, Mr. William Cho, President and CEO LG Electronics USA, and

BE IT FURTHER RESOVLED that, we the Mayor and Council of the Borough of Englewood Cliffs commends LG USA on its historic settlement with the Conservation groups that will allow LG USA to build its North American headquarters in Englewood Cliffs. We extend our appreciation to LG USA for its willingness to renegotiate the terms of its already approved development application to build a headquarters in Englewood Cliffs which will preserve the majesty of the Palisades, enhance our community, and meet its business needs. Accordingly, we applaud and endorse the "Settlement Agreement" as protective of the public interest in Englewood Cliffs, in Bergen County, in the State of New Jersey and in the United States of America.

This Resolution shall take effect immediately.

The Mayor recused from Resolution 112 – 180 Sylvan. Council President Favaro presided.

On a motion by Council President Favaro and seconded by Councilman Aversa, Resolution 112 – 180 Sylvan tax appeal was added to the consent agenda.

Mary O'Shea, 12 Irving Ave, Englewood Cliffs, NJ questioned the budgeting in 2016 for Resolution 112.

Carrol McMorro, 7 Ridge Road, Englewood Cliffs, NJ asked for clarification on the numbers presented.

Tony Morfesis, 26 John Street, Englewood Cliffs, NJ would like to know why two Council members voted no.

Borough Attorney recommended there should be no comment on litigation matters until a settlement is approved.

Council President Favaro stated that Mr. Muhlstock will be invited to our next meeting to clarify Resolution 112.

On a motion by Council President Favaro and seconded by Councilman Aversa, Resolution 112 will be added to the refunding bond ordinance.

ROLL CALL:

AYES: Favaro, Oh, Aversa

NAYS: Eastwood, Consalvo

The Mayor returned to the podium.

The Mayor clarified that Resolutions 15-107 and 15-112 are for settlement of tax appeals. Once the settlement is approved, then a refunding bond ordinance will be drafted by the Borough Attorney and introduced at a Council meeting for payment of both tax appeals.

COMMITTEE REPORTS

COUNCILWOMAN EASTWOOD - no report

COUNCIL PRESIDENT FAVARO recommends placing a “No Turn on Red” at the traffic light on John Street and to establish a Safe Zone Committee in town.

Police Chief responded that the sign would have to be approved by the State. A feasibility study of the traffic on John Street could be done.

The Mayor agreed with a feasibility study of the traffic on John Street.

A Safe Zone Committee was established with Councilman Aversa, Councilman Consalvo and Council President Favaro.

The Mayor read Resolution 113 regarding LG and its settlement agreement with Conservation groups to preserve the Palisades of the Hudson and asked the Council for a motion to vote.

On a motion by Council President Favaro, seconded by Councilwoman Oh and carried unanimously, the meeting was open to the public.

ALL IN FAVOR:

AYES: Eastwood, Favaro, Oh, Consalvo, Aversa

PUBLIC SPOKE:

Carin Geiger, 270 Alfred Street, Englewood Cliffs, NJ is in favor of the LG resolution and said it is a vote of confidence.

Mary O'Shea, 12 Irving Ave, Englewood Cliffs, NJ is in favor of the LG resolution to support the settlement agreement.

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

ALL IN FAVOR:

AYES: Eastwood, Favaro, Oh, Consalvo, Aversa

On a motion by Councilwoman Oh, seconded by Council President Favaro, Resolution 113 was adopted.

ROLL CALL:

AYES: Eastwood, Favaro, Oh, Consalvo, Aversa

COUNCILMAN AVERSA spoke about the Ad Hoc Committee. He read Resolution 114 that endorses and urges passage of state legislation to protect the viewshed of the Hudson Palisades.

The Mayor recommends that an amendment be made to the resolution. The Mayor and Council will endorse, subject to their final approval.

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

ALL IN FAVOR:

AYES: Eastwood, Favaro, Oh, Consalvo, Aversa

PUBLIC SPOKE:

Carin Geiger, 270 Alfred Street, Englewood Cliffs, NJ spoke in favor of the Ad Hoc Committee and the work that was done.

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

ALL IN FAVOR:

AYES: Eastwood, Favaro, Oh, Consalvo, Aversa

On a motion by Councilman Aversa and seconded by Council President Favaro, Resolution 114 with amendment was adopted.

ROLL CALL:

AYES: Eastwood, Favaro, Oh, Consalvo, Aversa

COUNCILWOMAN OH - no report

COUNCILMAN CONSALVO – no report

DPW SUPERINTENDENT NEVILLE spoke about the road paving programs.

BOROUGH ENGINEER MIRANDI reported that geotechnical findings have been received and are beginning foundation design for the proposed storage shed at Witte Field. Borough Hall parking lot has

been re-paved. A pre-construction meeting is scheduled with contractor for the curb ramp project to include re-paving of Palisade Ave.

The Mayor recommended placing temporary signs to allow resident parking in the reserved spaces in the Police parking lot only on Court dates, Planning Board and Mayor and Council meetings.

POLICE CHIEF CIOFFI reported that the Junior Police Academy and National Night Out were successful. The Police Department received a thank you letter from a resident regarding a traffic report that was done.

BOROUGH ATTORNEY said we have received the signed contract from AJM contractors. He spoke about Woodland Cemetery. We have appropriated \$2000 for Fair Share Housing. A motion has been given to the court for immunity from a lawsuit.

The Mayor commended Borough Clerk and DPW Superintendent for the good job they did at Woodland Cemetery.

BOROUGH CLERK is working with Councilman Aversa to revamp the Recreation Soccer Program. The soccer program begins on September 12 and a flyer will be sent to the residents.

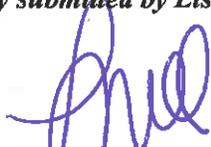
Councilman Aversa spoke about the new soccer program.

The Mayor wished everyone a wonderful summer.

Seeing and hearing none, the meeting was adjourned at 9:35 P.M.

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

ATTEST:



Lisette M. Duffy, RMC, Borough Clerk