



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

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL

DATE: MAY 11, 2016

CALL TO ORDER: 8:00 P.M.

PRESENT AT ROLL CALL:

Mayor	Mario M. Kranjac
Councilman	Ed Aversa
Councilman	Zhi Liang
Councilwoman	Gloria Oh
Council President	Carrol McMorrow
Councilman	Mark Park
Councilman	Nunzio Consalvo

ALSO PRESENT:

Borough Attorney	Brent Pohlman
Superintendent of DPW	Mark Neville
Municipal Clerk	Lisette M. Duffy

FLAG SALUTE LEAD BY: Mayor Kranjac

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 and Regular Minutes of April 13, 2016
Closed Session Minutes of December 9, 2015

Point of Order: Councilwoman Oh said she requests that the Regular minutes of April 13, 2016 be amended to state that "Councilman Consalvo read a prepared statement" regarding the suspension of Police Chief Cioffi.

Mayor denied the request.

Point of Order: Councilman Aversa requested that his vote be adjusted to a “No vote” on Resolution 75 from the Regular Minutes of April 13, 2016.

Mayor denied the request.

Point of Order: Council President McMorrow said she has always recused on police matters.

On a motion by Councilman Consalvo, seconded by Councilman Park, Caucus Minutes of April 13, 2016 were approved.

ALL IN FAVOR:

AYES: Liang, Oh, McMorrow, Park, Consalvo

NAYS: Aversa

On a motion by Councilman Consalvo, seconded by Councilman Park, Regular Minutes of April 13, 2016 were approved.

ALL IN FAVOR:

AYES: Liang, McMorrow, Park, Consalvo

NAYS: Aversa, Oh

On a motion by Councilwoman Oh, seconded by Councilman Liang, Closed Session Minutes of December 9, 2015 were approved.

ALL IN FAVOR:

AYES: Aversa, Liang, Oh, Consalvo

ABSTAIN: McMorrow, Park

CORRESPONDENCE:

Stephen P. Sinisi, Esq. *Privileged and Confidential*

Joseph C. Parisi, - *Former Mayor*

Brent Pohlman, Esq. *Privileged and Confidential*

Morfesis – Resident

Fire Department Correspondence

Point of order : Councilwoman Oh asked Borough Attorney questioned how Council President McMorrow can receive a copy of Judge’s report regarding police matters.

Borough Attorney states the Councilwoan can have access to police information but cannot vote.

ALL CORRESPONDENCE WAS ORDERED TO BE FILED.

CLAIMS FOR THE PERIOD: April 14, 2016 through May 11, 2016

Checks to hold:

<u>NAME</u>	<u>CHECK #</u>	<u>INVOICE #</u>	<u>AMOUNT</u>
Boswell	18382	101344	\$185.00
Boswell	18393	100167	\$1,213.80
Kates	41347	21178	\$350.00
Kates	41348	21177 & 21180	\$1,975.00

Councilman Aversa questioned why the claims for Boswell Engineering are bills being held. Council President McMorrow clarified that checks held are from Boswell Engineering and Micheal Kates,

Planning Board attorney. The Council President will have a detailed answer at next month's meeting after the vouchers are reviewed with the Borough Clerk.

Borough Clerk reported that Ray Wiss bills were released with exception of the January bill, which will be reviewed by the Borough Attorney.

On a motion by Councilman Park, seconded by Council President McMorrow and carried unanimously, the Claims were ordered paid. The above listed checks will be held over and not paid until reviewed.

ROLL CALL:

AYES: Aversa, Liang, Oh, McMorrow, Park, Consalvo

DEPARTMENT HEAD REPORTS for April 2016

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

ALL DEPARTMENT HEAD REPORTS FOR APRIL 2016 WERE APPROVED.

ALL IN FAVOR:

AYES: Aversa, Liang, Oh, McMorrow, Park, Consalvo

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 Councilman Aversa and carried unanimously, the meeting was open to the public.

ALL IN FAVOR:

AYES: Aversa, Liang, Oh, McMorrow, Park, Consalvo

[Statement read by Mario Kranjac at May 11, 2016 Mayor and Council Meeting.]

When I was sworn in as Mayor of Englewood Cliffs in January I took an oath of office which requires me to uphold our laws.

When I addressed everyone that day in January, I told you that I would restore the rule of law in Englewood Cliffs. That is still my intention.

What I should have also reminded everyone is that facts have no feelings or emotions and that in order to honor my oath of office, I cannot pick or choose which facts to address and which to ignore. That is what all of you are free to do. You can, and some of you did at April's Mayor and Council meeting, choose to ignore the very serious allegations which were brought to our attention. So unless you actually tell us about facts that you have firsthand knowledge about, I will be appreciative of your comments and respect your feelings, but that in no way will sway me (and I hope not the council as well) from violating our oaths of office by caving into the pull of

emotion over facts. Again, you are all free to ignore the facts and deny reality, but I and the Council cannot.

*Lost in the very disappointing behaviors exhibited at last month's meeting is that in order to do our job as Mayor and Council, we had to consider the following facts and refer them to the BCP -- this in itself is a major change from our Borough's past way of conducting business. In order to do that we placed the Chief on **paid** administrative leave pending our borough counsel's investigation and referral to the BCPO for an investigation. We are waiting for further instructions from the BCPO. As such there will be no further discussion of this tonight.*

Given these facts and circumstances now behind us, later this evening I will ask for a motion to terminate the Chief's administrative leave as of May 12, 2016. If I didn't proceed with this request for such a motion at this time, I would not be fulfilling my duties.

Also lost in the uproar last month is that I did not create the ECPD's chain of command. Rather, I inherited it and that is the sole reason the deputy chief was in charge and I thank him for running the department under adverse circumstances and derogatory social media posts and videos regarding him and his family. I am especially grateful to the Deputy Chief for arranging a meeting for me with the entire police department. I can say that we had a two way exchange of concerns and ideas with just about everyone participating.

Investigation of these issues and the actions we took were done so to protect the integrity of our Police Department.

In closing, I remind everyone that:

- 1. I believe in home rule. EC deals with its own problems. I am happy to extend our hospitality to everyone who comes here; however, neither I nor EC will be bullied into ignoring facts or applicable laws.*
- 2. Facts have no feelings and stand on their own.*
- 3. I will listen to your issues. I will learn about your issues. I will try to solve your issues. I will lead.*

Thank you.

PUBLIC SPOKE:

Rose Cravotta, 66 Elm Street, Englewood Cliffs, NJ is concerned that there is not enough police in town and wants to feel safe.

Andrew Steiber, 570 Floyd Street, Englewood Cliffs, NJ is not happy about what is going on in town, disapproved the Borough Attorney playing a recording of a resident without her permission at the last meeting.

Gail Ehrenberg, 51 John Street, Englewood Cliffs, NJ is not in favor of the lack of respect from last meeting and what is displayed on the internet.

Deborah Tsabari, 106 Hollywood Avenue, Englewood Cliffs, NJ would like more input from Republican Council members. The resident stated that the Borough Attorney should have been upfront regarding the members of the Council who met to discuss the Police Chief's leave.

Carin Geiger, 270 Alfred Street, Englewood Cliffs, NJ spoke about the bills from the Borough Attorney's firm.

Council President McMorrow stated there are residents outside the building trying to come into the meeting.

There was a 5 minute recess to allow for more chairs in the room for the residents.

Carin Geiger continued to speak about the Borough Attorney and questioned certain legal matters that were billed.

Lauren Eastwood, 4 Willow Drive, Englewood Cliffs, NJ spoke on ethics, conflict of interest and recusing.

Dan Morrissey, Retired Police Captain of Englewood Cliffs, Cresskill, NJ asked if Chief Cioffi was provided with a Target letter prior to the investigation of allegations. Mr. Morrissey also stated that a ticket goes through a process in order to be dismissed.

Joe Favaro, 70 Johnson Avenue, Englewood Cliffs, NJ asked if the Borough will go after the Deputy Chief for allegations as the Chief was.

Andrew Nikow, 54 Elm Street, Englewood Cliffs, NJ asked the Borough Attorney who authorized the investigation of the Chief.

Borough Attorney stated he received the complaint and is obligated to investigate.

Maria Villari, 45 Jane Street, Englewood Cliffs, NJ was shocked at how people from the public spoke out during the last budget meeting. The resident is in favor of tax cuts.

Tim Phan, 19 Carol Drive, Englewood Cliffs, NJ has been a resident for 16 years and wants to restore the town to how it was.

Michael Kochover, 11 Fifth Street, Englewood Cliffs, NJ wants to know who besides Councilman Park on the Council met to speak about the Police Chief.

Dave DiGrigorio, 165 Charlotte Place, Englewood Cliffs, NJ said to drop the small lawsuits and move on.

Joe Parisi, 573 Floyd Street, Englewood Cliffs, NJ spoke about proper protocols that the Council should follow.

Michael Telzer, 9 Churchill Road, Englewood Cliffs, NJ asked if the town was running on auto pilot.

Councilman Aversa said not allowed to comment on pending litigations.

The Mayor responded that the town does not run on autopilot and that everyone does a good job.

Dominic Rae, Retired Edgewater Police Officer, Edgewater, NJ said when the Borough Attorney receives allegations regarding an employee, he needs to wait for Council to direct him.

Lynn Norton, 9 Willow Drive, Englewood Cliffs, NJ stated that the Borough Attorney represented the McMorrow's in a prior case before he was hired as Englewood Cliffs Borough Attorney. She questioned if there is a conflict of interest.

Borough Attorney said there is no conflict of interest.

Deborah Tsabari, 106 Hollywood Avenue, Englewood Cliffs, NJ thanked the police department for saving her husband's life. She read the Matrix report and it stated that the use of police overtime would save money instead of hiring new officers.

Michael Telzer, 9 Churchill Road, Englewood Cliffs, NJ spoke about the Matrix report.

Howie Mann, Assistant Fire Chief of Englewood Cliffs, wants everyone to vote for what is right.

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

ALL IN FAVOR:

AYES: Aversa, Liang, Oh, McMorrow, Park, Consalvo

RESOLUTIONS 2016: *Consent Agenda*

80-Approval of Payment Plan to Insurance Carrier on Shaloub

81-Approval of Additional Payment to COAH Expert

82-Authorization to Extend State Health Benefits to Employee's Domestic Partners

83 – Returning Chief to Active Duty(*added at Regular meeting*)

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 McMorrow , seconded by Councilman Park, Resolutions 80 through 82 were adopted.

ROLL CALL:

AYES: Aversa, Liang, Oh, McMorrow, Park, Consalvo

RESOLUTION 16-80

WHEREAS, the Borough of Englewood Cliffs ("Borough") Mayor and Council authorizes the payment of legal fees to the Municipal Excess Liability Joint Insurance Fund ("MEL") Residual Claims Fund for legal services provided in the matter of James Shalhoub v. Borough of Englewood Cliffs ("Litigation"); and

WHEREAS, the total amount due to the MEL Residual Claims Fund for coverage rendered is \$88,279.56; and

WHEREAS, the amount represents the retention and co-insurance amount the Borough is responsible for legal fees and costs related to the Litigation; and

WHEREAS, no payments were made for legal fees and costs during the pendency of the Litigation; and

WHEREAS, the MEL Joint Insurance Fund has offered a payment plan that permits the Borough to make payments on a schedule through 2018 with the first payment occurring in 2017; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Englewood Cliffs, Bergen County, New Jersey as follows:

1. The authorization of the negotiated payment plan which allows for payment of the monies owed in 2017 and 2018 to the Municipal Excess Liability Joint Insurance Fund for the amount due of \$88,279.56.

RESOLUTION 16-81

WHEREAS, the Governing Body of the Borough of Englewood Cliffs entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with 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

WHEREAS, the Borough initially contributed Two Thousand Dollars (\$2,000) as per the MSSDA; and

WHEREAS, the Municipal Group has been successful in obtaining expert reports that the Borough would not have been able to afford if it was not part of the municipal group; and

WHEREAS, the Borough has also received a benefits from the legal challenges that have been supported by the municipal group; and

WHEREAS, in order to continue serving the Borough and the other municipalities throughout the State of New Jersey the group has requested that each participating municipality contribute an additional Two Thousand Dollars (\$2,000) contribution; and

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

1. Authorization to contribute an additional Two Thousand Dollars (\$2,000) towards the services provided through the MSSDA.

RESOLUTION 16-82

WHEREAS, the Domestic Partnership Act permits the Borough to extend benefits to its eligible employees; and

WHEREAS, the decision to provide medical benefits through the State Health Benefits Plan to Borough employees’ domestic partners is a decision that must be made by the governing body; and

WHEREAS, to be eligible for Domestic Partnership benefits, a Borough employee must have a valid Certificate of Domestic Partnership entered prior to February 19, 2007; and

WHEREAS, the Borough of Englewood Cliffs (“Borough”) Mayor and Council wish to authorize the extension of medical benefits through the State Health Benefits Program to Borough employees’ domestic partners that were in a legally recognized Domestic Partnership prior to February 19, 2007; and

WHEREAS, the effective date for the addition of coverage of domestic partners is the 1st of the month following a sixty-day period after the New Jersey Division of Pensions and Benefits receives the adopted resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Englewood Cliffs, Bergen County, New Jersey as follows:

1. The Borough of Englewood Cliffs has the authorization to extend medical benefits through the State Health Benefits Plan to Borough employees' domestic partners that were in legally recognized domestic partnerships prior to February 19, 2007.

COMMITTEE REPORTS

COUNCILMAN AVERSA - Lights – no report

COUNCILMAN LIANG – Board of Health - A Free Rabies Clinic and Animal Adoption will be held Saturday, May 14th from 1:30PM to 4PM at the Community Center.

COUNCILWOMAN OH - Transportation - no report

COUNCIL PRESIDENT MCMORROW – Recreation - Little League opened on April 23rd with a great turn out. She spoke with the Superintendent of Schools and there will be a contest with the art class for the best new Englewood Cliffs welcome sign.

COUNCILMAN PARK -

COUNCILMAN CONSALVO – Addressed Deputy Chief Mann regarding fire truck.

BOROUGH CLERK/ADMINISTRATOR gave a sick analysis report for April. She spoke about the Facebook page and Recreation Facebook page for residents. In addition, there is a Throw back Thursdays Sports for residents to post past sports events.

NEW BUSINESS:

On a motion by Council President McMorrow, seconded by Councilman Aversa, Brian Lee was appointed as a member to the Recreation Advisory Board.

ALL IN FAVOR:

AYES: Aversa, Liang, McMorrow, Park, Consalvo

RECUSE: Oh

The Mayor appointed Mr. Kyle Hutchins as Alternate #4 on the Planning Board. Mr. Steve Duffy resigned, the Mayor thanked Mr. Duffy for his 20 years of service.

The Mayor met with the Police Department and exchanged important information. The State changed the medical benefits, the town must function on the facts.

Council President McMorrow recused herself from the dais and left the room.

Resolution 83 was added to the agenda and read by the Mayor.

Point of order: Councilman Aversa said Resolution 83 should be revised because the proper procedures were not followed.

Point of order: Councilwoman Oh made a motion to open to the public to discuss Resolution 83.

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

ALL IN FAVOR:

AYES: Aversa, Liang, Oh, Park, Consalvo

ABSENT: McMorrow

PUBLIC SPOKE:

Carin Geiger, 270 Alfred Street, Englewood Cliffs, NJ said Councilman Consalvo had a prepared statement regarding the suspension of Police Chief and proper procedure was not followed at the last meeting.

Dan Morrissey, Retired Police Captain of Englewood Cliffs, Cresskill, NJ asked for clarification as to who had prior suspension by Mayor and Council.

Robert Galantucci, Esq., 1007 Ocean Ave, Sea Girt, NJ that the new resolution should be amended.

Mayor said that on the advice of counsel, Resolution 83 does not need to be amended.

Melanie Simon, 33 Lynn Drive, Englewood Cliffs, NJ wants the governing body to apologize to Police Chief Cioffi.

Maria Villari, 45 Jane Street, Englewood Cliffs, NJ must look at the facts and not judge.

On a motion by Councilman Consalvo, seconded by Councilman Park and carried unanimously, the public portion was closed.

ALL IN FAVOR:

AYES: Aversa, Liang, Oh, Park, Consalvo

ABSENT: McMorrow

NOTE: Council President McMorrow is still recused and out of the room.

On a motion by Councilman Consalvo, seconded by Councilman Park, Resolution 83 was adopted.

ROLL CALL:

AYES: Liang, Park, Consalvo

ABSTAIN: Aversa, Oh

ABSENT: McMorrow

Councilman Aversa withdrew his Point of Order.

Council President McMorrow returned to the dais.

RESOLUTION 16-83

WHEREAS, pursuant to N.J.S.A. 40A:14-118, the Borough of Englewood Cliffs (“Borough”) Mayor and Council are the Appropriate Authority; and

WHEREAS, on April 13, 2016, the Mayor and Council, in their role as the Appropriate Authority, placed the Chief of Police on Administrative Leave with pay; and

WHEREAS, the Mayor and Council find that the conditions that necessitated the placement of the Chief of Police on Administrative Leave no longer exist.

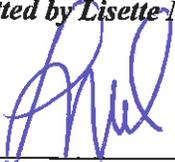
NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Englewood Cliffs, Bergen County, New Jersey, as follows:

1. The Chief of Police shall be returned to active duty effective May 12, 2016.

Seeing and hearing none, the meeting was adjourned at 10:07 P.M.

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

ATTEST:



Lisette M. Duffy, RMC, Borough Clerk