



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

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL

DATE: April 9, 2014

CALL TO ORDER: 8:00 P.M.

PRESENT AT ROLL CALL:

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

ALSO PRESENT:

Borough Attorney	E. Carter Corrison
Borough Engineer	Bernie Mirandi
DPW Superintendent	Mark Neville
Chief of Police	Michael Cioffi
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

- **Distracted Driving 2014 Crackdown, read by Councilman Aversa.**
- **Arbor Day 2014, read by Council President Favaro.**
- **Armenian Day, read by Councilman Liang.**

MINUTES: Caucus & Regular Minutes March 12, 2014

On a motion by Councilwoman Oh, seconded by Council President Favaro, Caucus & Regular Minutes of March 12, 2014 were unanimously approved.

ALL IN FAVOR:

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

DEPARTMENT HEAD REPORTS for March 2014

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

On a motion by Council President Favaro, seconded by Councilwoman Oh and carried unanimously, the Department Head Reports for March 2014 were approved.

ALL IN FAVOR:

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

CORRESPONDENCE: Steven Muhlstock, Esq.

On a motion by Council President Favaro, seconded by Councilwoman Oh and carried unanimously, correspondence ordered filed:

Steven Muhlstock, Esq.

ALL IN FAVOR:

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

CLAIMS FOR THE PERIOD: March 13, 2014 through April 9, 2014.

On a motion by Councilwoman Oh, seconded by Councilman Aversa and carried unanimously the Claims were ordered paid.

ROLL CALL:

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

PUBLIC PORTION:

MAYOR PARISI STATED:

“IF ANYONE WISHES TO COMMENT ON THE RESOLUTIONS OR ANY OTHER ITEM OTHER THAN ORDINANCES, THEY MAY DO SO AT THIS TIME.”

Point of order:

Councilman Consalvo questioned the Borough Attorney on a conflict with the election lawsuit.

Councilman Ferro also questioned the Borough Attorney on the same subject.

Mr. Corrison responded to both Councilmen and their concerns.

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

ALL IN FAVOR:

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

The following from the public spoke:

Yvonne Favaro, 70 Johnson Ave, Englewood Cliffs, NJ. The resident spoke about the Shade Tree Commission's recognition for 2014 and invited the Mayor and Council to the Arbor Day at the school.

Susan Consalvo, 150 Charlotte Place, Englewood Cliffs, NJ. The resident spoke about litigation conflicts.

Jack Geyer, 34 Toni Drive, Englewood Cliffs, NJ. The resident thanked the Police Department for their rapid response to an injured resident. The LG project was also addressed.

The Mayor responded to the concerns of the resident.

Lauren Eastwood, 4 Willow Drive, Englewood Cliffs, N.J. The resident spoke the PBA contract savings. She also questioned the Borough Attorney about the election lawsuit.

Both Councilperson Oh and Aversa clarified the police contract savings for the resident.

Carrol McMorrow, 7 Ridge Road, Englewood Cliffs, NJ. The resident spoke about PBA savings and conflict in litigation.

The Borough Attorney responded to the residents' concerns regarding the litigation.

Michael Telzer, 9 Churchill Road, Englewood Cliffs, NJ spoke about naming rights at the school and his lawsuit.

The Mayor responded to the resident.

Maria Villari, 45 Jane Drive, Englewood Cliffs, NJ spoke about election challenge and conflict.

Yvonne Favaro, 70 Johnson Ave, Englewood Cliffs, NJ questioned Councilman Consalvo about the Legislative Committee.

Councilman Consalvo responded to the resident.

Mary O'Shea, 12 Irving Ave, Englewood Cliffs, NJ spoke about the duties of the Legislative Committee representative and asked for clarification of police overtime spending.

Councilman Aversa clarified the police overtime.

Andrew Nikow, 54 Elm Street, Englewood Cliffs, NJ spoke about the conflict in litigation and questioned the Fifth Amendment.

Councilman Ferro responded to the resident.

The Mayor intervened when there was loud discussion in the room.

Steve Rubinsky, 325 Riverviews Lane, Edgewater, NJ. Mr. Rubinsky spoke about the Fifth Amendment and the March vote on the PBA contract.

The Mayor and Councilman Ferro responded to the resident.

On a motion by Councilwoman Oh, seconded by Councilman Liang and carried unanimously, the public portion was closed.

ALL IN FAVOR:

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

Mayor Parisi recused from Resolution 63 and left the podium.

Council President Favaro presided for Resolution 63.

On a motion by Councilman Aversa, seconded by Councilman Liang, Resolution 63 was adopted.

ROLL CALL:

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

RECUSE: Mayor Parisi

The Mayor returned to the podium.

RESOLUTION 14-63

**RE: APPROVAL OF RAFFLE LICENSE
ID#133-4-7504
GUILD FOR SISTERS OF ST. JOSEPH OF PEACE**

WHEREAS, the GUILD FOR SISTERS OF ST. JOSEPH OF PEACE has applied for an On-Premise raffle license; and

WHEREAS, the GUILD FOR SISTERS OF ST. JOSEPH OF PEACE has complied with all requirements as outlined in N.J.A.C. 13; and

WHEREAS, the Findings and Determination has been certified by the Chief of Police;

NOW, THEREFORE, BE IT

RESOLVED, that the Mayor and Council of the Borough of Englewood Cliffs does hereby approve the issuance of an ON PREMISE 50/50 raffle license to the GUILD FOR SISTERS OF ST. JOSEPH OF PEACE.

BE IT FURTHER RESOLVED that raffle will be conducted on SEPTEMBER 25, 2014, from 1:00 P.M. TO 2:00 P.M. at St. MICHAEL VILLA, 399 HUDSON TERRACE in the Borough of Englewood Cliffs.

The Borough Clerk read the following Resolutions:

- **RESOLUTIONS 2014:**
Consent Agenda
 - 60 – Donation to the Police Department
 - 61 – Tax Appeal 900 Sylvan Avenue
 - 62 – Authorize Hiring of Seasonal DPW Help
 - 63 – Approval of Raffle License for Sisters of St. Joseph of Peace
 - 64 – Authorize to Go Out to Bid for Firehouse Floor Resurfacing
 - 65 – Approve Use of Witte Field by Dwight Englewood School

- 66 – Approval of Green Communities Grant and Authorize Mayor to Sign Agreement
- 67 – Authorize Participation in the Palisades Park Pool Summer Program and Mayor to Sign Agreement
- 68 – Appoint Electrical Sub-Code Official
- 69 – Authorize Services for Tax Appeal Attorney – Conflicts
- 70 – Authorize RFP’s for Third Party Elevator Inspections
- 71 – Authorize Hiring of Seasonal Help for Summer Camp

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

Councilman Ferro questioned the amount of insurance and a typographical error on Resolution 65.

A motion was made by Councilman Ferro, seconded by Councilman Liang, to amend Resolution 65.

ALL IN FAVOR:

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

On a motion by Council President Favaro and seconded by Councilman Liang, Resolutions 60 through 62, 64, 66 through 71 were offered for adoption by Consent Agenda.

ROLL CALL:

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

RESOLUTION 14-60

RESOLUTION ACCEPTING DONATION FOR THE POLICE DEPARTMENT

WHEREAS, the below listed person(s) are residents or friends of the Borough of Englewood Cliffs; and

WHEREAS, these person(s) have demonstrated a great appreciation for the efforts of the Borough’s Police Department; and

WHEREAS, in recognition of the fine work of the Police Department, the below listed person(s) have generously and unselfishly agreed to donate to the Borough Police Department in the aggregate amount of \$1300; and

WHEREAS, the Governing Body is proud to have the following resident(s) and friends of Englewood Cliffs and appreciate their generosity;

Sanford and Mildred Kluger	\$100
SYL Associates, LLC	\$200
YEA J. Realty, LLC	\$1000

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs that the Borough hereby accepts the above listed donation(s) for use in Borough’s Police Department.

RESOLUTION 14-61

WHEREAS, General Electric Capital Corp. is the owner and taxpayer of property located at 900 Sylvan Avenue in the Borough of Englewood Cliffs, at Block 1201, Lot 8; and

WHEREAS, taxpayer has filed 2010, 2011 and 2012 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 General Electric Capital Corp. vs. Englewood Cliffs; and be it further

RESOLVED that for tax years 2010 and 2011, the taxpayer will withdraw the complaints, leaving the assessment of 90,000,000 intact for each of those years; and for tax years 2012, 2013 and 2014, the assessment of \$90,000,000 will be reduced to \$82,500,000, resulting in a total refund, inclusive of all years, of approximately \$185,000; and be it further

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

RESOLUTION 14-62

BE IT RESOLVED, that the Mayor and Council of the Borough of Englewood Cliffs does hereby approve the two (2) seasonal employees for the 2014 summer season help in the Department of Public Works

RESOLUTION 14-64

RESOLUTION AUTHORIZING THE MUNICIPAL CLERK TO SOLICIT BIDS FOR RESURFACING OF THE FIREHOUSE FLOOR

BE IS SO AUTHORIZED by the governing body of the Borough of Englewood Cliffs that the Municipal Clerk is hereby authorized to advertise and receive bids for the resurfacing of the firehouse floor pursuant to Capital Ordinance 13-09.

RESOLUTION 14-66

**GRANT AGREEMENT
BETWEEN
ENGLEWOOD CLIFFS BOROUGH
AND
THE STATE OF NEW JERSEY
BY AND FOR
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

GRANT IDENTIFIER: FS14-101

GOVERNING BODY RESOLUTION

The governing body of Englewood Cliffs Borough desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000.00 to fund the following project:

2013 Green Communities Grant
Community Forestry Management Plan

Therefore, the governing body resolves that Joseph C. Parisi, Jr. or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$3,000.00 and not more than \$3,000.00, and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

*The authorizes Englewood Cliffs Borough and hereby agrees to match \$3,000.00 of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 100% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement). *

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Introduced and passed _____
Ayes: _____
Noes: _____
Absent: _____

RESOLUTION 14-67

WHEREAS, the Borough of Englewood Cliffs Summer Camp Program is desirous of providing swimming opportunities for campers of the program; and

WHEREAS, the Borough of Palisades Park is willing to provide said services and facilities for use by the Borough's Summer Camp Program; and

WHEREAS, because of the need for services no competitive quotations were necessary based on the opinion of counsel pursuant to N.J.S.A. 40A:11-6.1(a).

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to enter into an agreement with the Borough of Palisades Park which shall provide that Summer Camp Program shall be permitted to use the Palisades Park swimming facilities on the following

Tuesdays, July 1st, 8th, 15th, 22nd, 29th, and August 5th, 2014 from 9:30 a.m. until 11:30 a.m. The Borough shall pay the rate of \$8.00 per child and \$4.00 per counselor to supervise, for the total cost to the Borough in the sum of \$6,800.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the necessary documents in regard to an Agreement between the Borough of Englewood Cliffs and the Borough of Palisades Park.

RESOLUTION 14-68

RE: APPOINTMENT OF ELECTRICAL SUB-CODE OFFICIAL FOR 2014-2017

WHEREAS, it is necessary for the Borough of Englewood Cliffs to engage the services of an Electrical Sub-Code Official, for a Four (4) year term, to provide Electrical Inspection services which are necessary for the operation of said Borough; and

WHEREAS, funds will be available by way of Budget Appropriations to compensate said Inspector; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11 et seq) and N.J.A.C. 5:23-4.5A, requires that the resolution authorizing the award of contracts for "professional services" without competitive bids must be publicly advertised;

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

The Borough Electrical Sub-Code Official for a period of four (4) years (2014, 2015, 2016, 2017), is hereby designated as Mark A. Rubin. The License Number for the electrical sub-code official is #010802. The compensation for said position shall be \$10,000.00;

This contract is awarded without public bidding as professional services under the Local Contracts Law by virtue of N.J.S.A. 40A:11-7 and N.J.A.C. 5:23-4.5A which specifically exempts such contracts from the requirements of public bidding. The Borough Clerk is hereby authorized and directed to publish a copy of this resolution in the newspaper within ten (10) days from the date hereof.

RESOLUTION 14-69

WHEREAS, Hyong Cho and Jung Cho, the owners of property located at 30 Booth Avenue, at Block 708, Lot 4, have filed tax appeals for years 2012 and 2013; and

WHEREAS, the Borough's Tax Appeal Attorney has a conflict which requires his recusal; and

WHEREAS, the Borough requires the services of a replacement Tax Appeal Attorney;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs that Donald Lenner, Esq. be and he is hereby retained as Tax Appeal Attorney for the Borough of Englewood Cliffs in connection with the matter of Cho vs Borough of Englewood Cliffs, to be compensated at the rate of \$125 per hour; and be it further

RESOLVED that the aforesaid retention is one for professional services, for which there is no requirement for public bidding; and be it further

RESOLVED that the Chief Financial Officer has or will certify the existence of sufficient funding for this contract; and be it further

RESOLVED that this Resolution and any agreement between the Borough and replacement counsel shall be maintained in the Borough Clerk's office, for public inspection.

RESOLUTION 14-70

RESOLUTION AUTHORIZING THE MUNICIPAL CLERK TO SOLICIT RFP's FOR THIRD PARTY ELEVATOR INSPECTIONS/RE-INSPECTIONS

BE IT SO AUTHORIZED by the governing body of the Borough of Englewood Cliffs that the Municipal Clerk is hereby authorized to solicit RFP's for Third Party Elevator Inspection/Re-Inspections

Resolution 2014-71

BE IT RESOLVED, that the Mayor and Council of the Borough of Englewood Cliffs does hereby approve the following seasonal employees and salaries for the 2014 Neil Vill Summer Recreation Program.

Mary Calabro	\$5,200
Timarie Toscano	\$5,200
Christine Micali	\$2,000

Counselors to be hired by the Administrator after all requirements of the Recreation Director have been met.

Employees receiving 7.25 (15 years old)

Employees receiving 8.25 per hour (16-17 years old)

Employees receiving 9.25 per hour (18+)

FIRST HEARING AND INTRODUCTION – ORDINANCES

Ordinance 14-04 – An Ordinance amending Chapter X entitled “Property Maintenance Code”, specifically Section 10-6.2(a) Entitled “Appearance of exterior of premises and structures” of the general ordinances and revised code of the Borough of Englewood Cliffs.

On a motion by Council President Favaro, seconded by Councilman Consalvo and carried unanimously, Ordinance 14-04 entitled “AN ORDINANCE AMENDING CHAPTER X ENTITLED “PROPERTY MAINTENANCE CODE”, SPECIFICALLY SECTION 10-6.2(a) ENTITLED “APPEARANCE

OF EXTERIOR OF PREMISES AND STRUCTURES” OF THE GENERAL ORDINANCES AND REVISED CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS” was introduced and passed on the first reading.

The Ordinance was **approved** on the following voice vote, and the public hearing relative to this ordinance is scheduled for May 14, 2014

ALL IN FAVOR:

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

Ordinance 14-05 – An Ordinance providing for Defense and Indemnification of Municipal Officials, Employees and Appointees of the Borough of Englewood Cliffs County of Bergen, State of New Jersey.

On a motion by Councilwoman Oh, seconded by Councilman Liang and carried unanimously, Ordinance 14-05 entitled “AN ORDINANCE PROVIDING FOR DEFENSE AND INDEMNIFICATION OF MUNICIPAL OFFICIALS, EMPLOYEES AND APPOINTEES OF THE BOROUGH OF ENGLEWOOD CLIFFS, COUNTY OF BERGEN, AND STATE OF NEW JERSEY” was introduced and passed on the first reading.

The Ordinance was **approved** on the following voice vote, and the public hearing relative to this ordinance is scheduled for May 14, 2014.

ALL IN FAVOR:

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

Ordinance 14-06 – An Ordinance amending Chapter XI entitled “Sewer and Water”, specifically Section 11-1.10 entitled “Supplement to Ordinances” of the General Ordinances and Revised Code of the Borough of Englewood Cliffs.

On a motion by Council President Favaro, seconded by Councilman Aversa and carried unanimously, Ordinance 14-06 entitled “AN ORDINANCE AMENDING CHAPTER XI ENTITLED “SEWER AND WATER”, SPECIFICALLY SECTION 11-1.10 ENTITLED “SUPPLEMENT TO ORDINANCES” OF THE GENERAL ORDINANCES AND REVISED CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS” was introduced and passed on the first reading.

The Ordinance was **approved** on the following voice vote, and the public hearing relative to this ordinance is scheduled for May 14, 2014.

ALL IN FAVOR:

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

COMMITTEE REPORTS

COUNCILMAN FERRO – nothing to report

COUNCILMAN LIANG – nothing to report

COUNCIL PRESIDENT FAVARO reported that approximately 40 potholes will be temporarily patched. He spoke about the 2014 Road Improvement Program and read the following list of streets that will be repaired.

The following roads are included on the 2014 Road Program:

Stephens Drive - (From Roberts Road to Laurie Drive)(Storm and Waste Water Work Required)

Samford Drive - (From Stephens Drive to Lynn Drive)(Storm and Waste Water Work Required)
(From Lynn Drive to Johnson Avenue)

Carol Drive - (From Roberts Road to Jean Drive)(Storm and Waste Water Work Required)
(From Jean Drive to Jane Drive)(Storm and Waste Water Work Required)

Geraldine Road – (From Jane Drive to Laurie Drive)

Geraldine Court – (From Laurie Drive into Cul-De-Sac)

Marilyn Drive – (From Priscilla Lane to Jane Drive) – Alternate A

342 Hudson Terrace – Public Works Yard (Storm and Wste Water Work Rqrd) Alternate B

10 Kahn Terrace – Police Department Headquarters – Alternate C

The following Road Improvements are proposed to the Riverside Co-Operative Road Improvement Program:

Skyline Drive – (From John Street to Castle Drive)

Ridge Road – (From John Street To Castle Drive)

Rock Road – (From Castle Drive into Dead End)

Cliff Road – (From Castle Drive to Summit Street)

Casper Road – (From Charlotte Place to Oakwood Lane)

The following Road will be submitted on the NJDOT Sage Grant:

Sage Road – (From Sylvan Avenue, Rt. 9W to Johnson Avenue)

COUNCILWOMAN OH reported that the final budget meeting will be held on April 21, 2014, 8PM at the Borough Hall. The budget will be introduced at the May 14, 2014 Mayor and Council meeting.

COUNCILMAN CONSALVO – nothing to report

COUNCILMAN AVERSA spoke about Recreation Committee events. He read several commendation letters about Police Chief Cioffi and the Police Department.

DPW SUPERINTENDENT NEVILLE spoke about the 2014 Road Improvement Program. Pothole repairs continue. The PIP will be re-paved this summer.

BOROUGH ENGINEER MIRANDI reported that the Bergen County Mosquito Control will begin dredging Pershing Pond soon. The 2013 Road Program to be completed in the spring. Sage Road local aid grant information has been submitted to NJDOT. The engineer's estimate for the cost of the 2014 Road Improvement Program will be prepared.

POLICE CHIEF CIOFFI reported that the Police Department has received 2014 accreditation. The Distracted Driving Program is ongoing and has been very successful. All Borough parking ordinances have been passed and letters will be mailed to all residents and businesses. Parking signs have been placed on every street. He received the Red Light Traffic Camera Report from NJDOT which indicated reduced crashes. The 60th Annual Witte Field Clinic will be held on April 26, 2014.

BOROUGH ATTORNEY reported that the briefs for the appeal for the LG variance have been filed by the Appellate Court. LG and Englewood Cliffs will file shortly.

BOROUGH CLERK DUFFY reported that she, Mayor Parisi, Police Chief Cioffi, Captain Morrissey, and Police Chiefs/Mayors from surrounding towns, met with Assemblywoman Valerie Huttie, regarding the safety of cyclists on 9W and Hudson Terrace.

The Mayor commented on the safety of the cyclists and motorists.

MAYOR PARISI STATED:

“IF THERE WAS ANY UNFINISHED BUSINESS AT THIS TIME

UNFINISHED / NEW BUSINESS:

Councilman Liang stated that he has attended Board of Health Meetings and the secretary position is still vacant. He spoke about his participation on the Beautification Committee, Tree City and Arbor Day.

The Mayor commented on protecting our trees.

Seeing and Hearing none, the meeting was adjourned at 9:50 PM.

Respectfully submitted by Lisette M. Duffy, Borough Clerk.

ATTEST:



Lisette M. Duffy, Borough Clerk