



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

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL

DATE: May 14, 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
CFO	Joseph Iannaconi
Municipal Clerk	Lisette M. Duffy

FLAG SALUTE LEAD BY: Council President Favaro

The Mayor asked for a moment of silence for resident and former Borough employee, Mary Pioli who recently passed away.

Council President Favaro spoke about former Borough Employee, Mary Pioli and said she would be missed dearly.

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 April 9, 2014

On a motion by Council President Favaro, seconded by Councilwoman Oh, Caucus & Regular Minutes of April 9, 2014, were unanimously approved.

ALL IN FAVOR:

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

DEPARTMENT HEAD REPORTS for April 2014

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

On a motion by Council President Favaro, seconded by Councilman Aversa and carried unanimously, the Department Head Reports for April 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: April 10, 2014 through May 14, 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.”

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

The following from the public spoke:

Adriana Kranjac, 47 North Virginia Court, read a letter written by her father, Mario Kranjac, regarding the proposed LG development project.

The Mayor responded to the resident’s concerns about LG.

The Borough Attorney responded to the concerns of the resident and clarified the LG variances and ordinances.

Councilman Ferro made a motion, to put a referendum on the 2014 November ballot asking the voters how they feel about a change in the zoning for a high rise. The Motion was Second by Councilman Consalvo.

Having received a second motion, the discussion was open to the Council for discussion.

Councilman Aversa stated we should get all the facts straight before putting a referendum on the ballot. The zoning needs to be approved the Planning Board first.

Councilman Aversa asked Councilman Ferro to rescind the motion and wait for the results of the Planning Board regarding the Master Plan. We still have enough time and feels we should be prudent.

The Mayor asked each member of the Council if he/she is in favor of the LG project. Five out of 6 Council members are in favor, but Councilman Aversa is not in favor as is.

The Mayor asked for a ROLL CALL on the following referendum as motioned by Councilman Ferro and seconded by Councilman Consalvo:

Feasibility of a referendum, to ask the people if they want a B2 Overlay Zone.

The Borough Attorney said the motion must be specific. The question must be submitted to the Board of Elections, 60 days before the election.

The Mayor recommended the following instead of the actual referendum vote:

A motion to ask the Borough Attorney and the Borough Clerk to look into a feasibility of putting a non-binding referendum on the ballot and advise us at the next meeting regarding the B2 Overlay Zone.

Both Councilman Ferro and Nunzio would not approve the motion.

The Mayor asked Councilman Ferro and Councilman Consalvo to rescind the original motion and the amended motion as well. Both Councilmen withdrew their motion

On a motion by Councilman Aversa, seconded by Councilwoman Oh, their previous motion was rescinded.

A motion was made by Councilman Ferro, seconded by Councilman Consalvo, for a non-binding referendum to be placed on the 2014 November ballot, to ask the voters of Englewood Cliffs if they agree with the B2 overlay zone. It was not unanimously approved.

ROLL CALL:

AYES: Liang, Ferro, Consalvo

NAYS: Favaro, Oh, Aversa

The Mayor not in favor of the motion, broke the tie and recommended that another motion be worded differently

Councilman Aversa made the motion to have the Borough Attorney and the Borough Clerk to look at would it would entail to put a B2 Overlay Zone referendum to out constituents. The motion was seconded by Councilwoman Oh.

ROLL CALL:

AYES: Favaro, Oh, Aversa

NAYS: Liang, Ferro, Consalvo

The Mayor voted in favor of the motion and explained that he understood what Councilman Ferro's motion, however it needed to be worded differently.

The Public portion of the meeting continued:

Ken Kubicki, 48 Marjorie Terrace, Englewood Cliffs, NJ, not in favor of renaming the Senior Citizen's building.

Nick Enzo, 219 Grants Ave, Cliffside Park, NJ, spoke against the height of the LG project.

Council President Favaro explained what could happen if LG leaves the town.

The Borough Attorney responded to the LG project issues.

Martin Geiger, 270 Alfred Street, Englewood Cliffs, NJ, is not in favor of LG building height.

Karen Geyer, 34 Toni Drive, Englewood Cliffs, NJ, was not happy with how the LG meeting was handled.

The Mayor responded that the resident's concerns would be addressed with a new meeting.

Carrol McMorrow, 7 Ridge Road, Englewood Cliffs, NJ, spoke about the B2 overlay zone.

Council President Favaro responded to the resident.

Andrew Nikow, 54 Elm Street, Englewood Cliffs, NJ, questioned the Council if they are in favor of the LG project as it stands.

Al Wunsch, Englewood Cliffs, NJ, He would like his family recognized for their achievements in the town.

Jack Geyer, 34 Toni Drive, Englewood Cliffs, NJ agreed with Karen Geyer's comments about the LG.

Michael Telzer, 9 Churchill Road, Englewood Cliffs, NJ, Police Department personnel has increased by 40%.

Tony Morfesis, 26 John Street, Englewood Cliffs, NJ, recommends letting the people know what is going on with LG project.

Maria Villari, 45 Jane Street, Englewood Cliffs, NJ, the resident was unaware of the LG meeting.

Pat Rosen, 60 Karens Lane, Englewood Cliffs, NJ, is concerned about the next LG meeting and space for residents.

Mary (No last name), 45 Hillside Ave, Englewood, NJ, suggested renting a larger facility for the next LG meeting.

Mary O'Shea, 12 Irving Ave, Englewood Cliffs, NJ, was upset with the Police Department's limited parking and security procedures at the LG meeting.

Al Wunsch, Englewood Cliffs, NJ, said the residents of Englewood Cliffs were very happy with Prentice Hall when they came into the town.

Steve Rubinsky, 5030 Palisade Ave, Fort Lee, NJ, asked why Councilman Ferro took the Fifth Amendment.

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

ALL IN FAVOR:

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

COMMITTEE REPORTS

COUNCILMAN FERRO reported that the streetlights have been repaired by PSE&G. Garbage pick-up schedule for May 26 has been changed to – South side, May 27, North side, May 28, due to Memorial Day holiday.

COUNCILMAN LIANG reported that a Board of Health secretary has been appointed. He spoke about Board of Health reports. The Economic Development Committee looked into State programs for Englewood Cliffs certifications and business development. He would like to set up a Committee meeting to discuss these programs. Historical Committee is having their first meeting this month. A child at Johnson Field recently could not get out of the bathroom (the door was locked on the inside). Councilman Liang wanted to know the legal recommendations for phone use during Council meetings.

The Mayor would like to attend the next Economic Development Committee to discuss State programs.

COUNCIL PRESIDENT FAVARO reported that the Recycling Event will be held on June 21, 2014. We are requesting live plantings instead of wreaths to be donated for the Memorial Day Ceremony. The list of Veterans from the Historical Committee is still incomplete. He suggested that we put the list of Veterans on our web page for people to see so we can include everyone. We would like to have the complete list of Veterans before Veteran's Day.

COUNCILMAN CONSALVO reported that he met with Assemblyman Gordon Johnson and Assemblywoman Valerie Huttel regarding an upcoming bill for state aid for schools and municipalities that might hold down taxes. He will let us know the outcome. Englewood Cliffs has not received a grant in years from the Clean Community Program Fund administered by the Department of Environmental Protection. He will look into other aspects of the program. He spoke with the Senior Citizens about transportation needs and concerns.

COUNCILMAN AVERSA spoke about Recreation Committee events. A flyer will be sent out and Zumba classes have begun. Camp counselor applicants should come to the Borough Hall to fill out the paperwork.

DPW SUPERINTENDENT NEVILLE reported that recycling days would remain the same. The Borough Hall parking lot is near completion.

BOROUGH ENGINEER MIRANDI reported that the NJDOT is in the process of sending out awards for the local aid project. We have requested the Bergen County Mosquito Control to give us a schedule of the dredging of Pershing Pond.

POLICE CHIEF CIOFFI reported that Captain Regan, Sergeant Tracy, and Police Officer Totten, will receive awards at the 200 Club luncheon. We have received grants from The Distracted Driving Program and Drunk Driving. There is a heroin epidemic in Bergen County. Please dispose of old prescription drugs responsibly. The Police Department will collect all old medications for proper disposal. Recently, the Police Department gave assistance at another Garden State Plaza incident. Chief Cioffi clarified the parking and security procedures at the LG meeting.

BOROUGH ATTORNEY - no report

BOROUGH CLERK DUFFY reported that she started a project to make the area in the court look better. She is working with Mark Neville, DPW Superintendent, and they are working on the sign outside. This will be done in-house so we do not spend extra funds.

COUNCILWOMAN OH introduced the 2014 Budget and gave a breakdown of taxes. She thanked everyone for their assistance.

2014 BUDGET INTRODUCTION **Resolution 14-73** *Public Hearing on June 18, 2014*

The Mayor thanked everyone for their assistance with the budget process. The Clerk will change the ad from June 11, 2014 to June 18, 2014 for the Public Hearing on the Budget.

Councilman Ferro asked another meeting to review the Police Department overtime. The Borough Clerk will coordinate the meeting.

Councilman Liang thanked the Borough Clerk for providing all budget information to the Council.

On a motion by Councilwoman Oh, seconded by Councilman Aversa, Resolution 14-73, 2014 Budget Introduction, was adopted.

The Public Hearing for the 2014 Budget will be held at the next Council meeting, June 18, 2014.

ROLL CALL:

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

BUDGET INTRODUCTION 2014

RESOLUTION 14-73

Be it resolved, that the following statements of revenue and appropriations shall constitute the introduced Municipal Budget for the year 2014;

General Appropriations

Appropriations within "CAPS" – Municipal Purposes	\$
11,438,406.35	
Appropriations excluded from "CAPS"	\$ 3,
641,667.75	
Reserve for uncollected taxes	\$ 496,000.00
Total General Appropriations	\$ 15,576,074.10
Less: Anticipated Revenues	\$ 4,145,042.75

Amount to be Raised by Taxes for Support of Municipal Budget \$
11,431,031.35

The Governing Body of the Borough of Englewood Cliffs does hereby introduce the above as the Budget for the year 2014:

Recorded Vote: Ayes { Nays { Abstained { Absent {

Mayor Parisi recused from Resolution 83 and left the podium.

Council President Favaro presided for Resolution 83.

On a motion by Council President Favaro, seconded by Councilman Liang, Resolution 83 was adopted.

ROLL CALL:

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

RECUSE: Mayor Parisi

The Mayor returned to the podium.

RESOLUTION 14-83

TITLE: TRANSFER OF PLENARY LICENSE #0216-33-003-005 PERSON TO PERSON

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License 0216-33-003-005, heretofore issued to **487 Sylvan Avenue Bar, LLC**, for mailing address of 487 Sylvan Avenue, Englewood Cliffs, NJ 07632.

WHEREAS, the submitted application form is complete in all respects, the Sales Tax Clearance Certificate is included, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standard established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with license business;

NOW, THEREFORE BE IT. RESOLVED that the Englewood Cliffs Governing body does hereby approve, effective May 14, 2014, the transfer of the aforesaid Plenary Retail Consumption License to **EJ Eatery Corp**, with a premise location of 487 Sylvan Avenue, Englewood Cliffs, NJ 07632 and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to **EJ Eatery Corp**, effective May 14, 2014.

- **RESOLUTIONS 2014:**

- *Consent Agenda*

- 74 – Increase in Reserve for Uncollected Taxes

- 75 – Self Examination of Municipal Budget

- 76 – Increase in Deferred School Taxes

- 77 – Tax Appeal – 6 Maple Street

- 78 – Appoint Firefighter Devin Rallo

- 79 – Award Bid for Firehouse Floor Resurfacing

- 80 – Approval of Raffle License for Englewood Cliffs Education Foundation

- 81 – Approval of Extended Sick Leave

- 82 – Award Elevator Bid to Municipal Inspection Corporation

- 83 – Approve Transfer of Liquor License # 0216-33-003-005

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

A motion was made by Council President Favaro, seconded by Councilman Aversa, to amend Resolution 81.

ALL IN FAVOR:

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

On a motion by Council President Favaro and seconded by Councilman Liang, Resolutions 74 through 83 were offered for adoption by Consent Agenda.

ROLL CALL:

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

**RESOLUTION PROVIDING FOR INCREASE IN
RESERVE FOR UNCOLLECTED TAXES PERCENTAGE**

RESOLUTION 14-74

WHEREAS, the Borough of Englewood Cliffs collected only 97.92% of the 2013 taxes due to an increase in State and County tax appeals as a result of unfavorable economic conditions in the local economy and real estate markets for 2013, and

WHEREAS, the lower percentage collected in 2013 has an effect on the "Reserve for Uncollected Taxes" in 2013, and

WHEREAS, the Governing Body is desirous of reducing the 2013 total tax levy by the amount of the tax appeals in calculating the 2013 tax collection percentage resulting in a collection percentage of 98.31% for 2013, and

WHEREAS, the Governing Body desires to anticipate 98.31% collection for 2014, to help reduce the "Reserve for Uncollected Taxes", with prior written consent of the Director of Local Government Services,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Englewood Cliffs, County of Bergen, State of New Jersey, that the prior written consent of the Director of Local Government Services be requested to anticipate 98.31% collection of taxes in 2014 in figuring the "Reserve for Uncollected Taxes".

BE IT FURTHER RESOLVED that two certified copies of this resolution be forwarded to the Office of the Director of Local Government Services.

RESOLUTION 14-75

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Englewood Cliffs over has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2014 budget year, so now therefore

BE IT RESOLVED, by the Borough Council of the Borough of Englewood Cliffs that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

AUTHORIZING INCREASE IN DEFERRED SCHOOL TAXES
FOR LOCAL SCHOOL TAXES

RESOLUTION 14-76

WHEREAS, the Division of Local Government Services requires that the Governing Body of any municipality which has Deferred School Taxes must authorize any increase in the deferral of any additional amounts, and

WHEREAS, the Governing Body has decided that an increase in Deferred School Taxes is in the best interest of the Borough at this time,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that the following Deferred School Taxes be hereby increased for the year ended December 31, 2013 as follows:

	<u>Deferred Local School Taxes</u>
Amount Deferred 12/31/13	\$5,167,368.00
Amount Deferred 12/31/12	5,068,207.00

BE IT FURTHER RESOLVED by the Governing Body that a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

RESOLUTION 14-77

WHEREAS, Irving and Ruth Hoffman are the owners and taxpayers of property located at 6 Maple Street in the Borough of Englewood Cliffs, at Block 703, Lot 2; and

WHEREAS, taxpayers filed 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 Irving and Ruth Hoffman vs. Englewood Cliffs; and be it further

RESOLVED that for tax year 2012, taxpayer will withdraw the appeal, and the assessment of \$1,131,000 will remain intact; for tax year 2013, the assessment of \$1,131,000 will be reduced to \$1,050,000; and for tax year 2014, the assessment of \$1,131,000 will be reduced to \$1,050,000, resulting in a total refund, inclusive of both years, of \$1,375; and be it further

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

RESOLUTION 14-78

RE: APPOINT VOLUNTEER FIREFIGHTER

WHEREAS, the Englewood Cliffs Volunteer Fire Department has recommended the appointment of Devin Rallo as an active member of the Englewood Cliffs Volunteer Fire Department;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Englewood Cliffs does hereby approve the membership of Devin Rallo as an active member of the Englewood Cliffs Volunteer Fire Department.

RESOLUTION 14-79

RE: Award Bid: Firehouse Floor Resurfacing for the Borough of Englewood Cliffs

WHEREAS, the Borough of Englewood Cliffs has solicited bids for the Fireplace Floor Resurfacing for the Borough of Englewood Cliffs; and

WHEREAS, the Borough of Englewood Cliffs has received one (1) bid for the Firehouse Floor Resurfacing; and

WHEREAS Engine Bay Floors, located at 452 Florence Boulevard, Williamstown, New Jersey 08094, has submitted a bid in the amount of \$30,523.02; and

WHEREAS, the Borough Administrator and Municipal Attorney have reviewed said bid.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby award the contract for the resurfacing of the Firehouse floor for the Borough of Englewood Cliffs, in the amount of \$30,523.02 to Engine Bay Floors, located at 452 Florence Boulevard,

Williamstown, New Jersey 08094 and that the Mayor is authorized to enter into a contract pursuant to said bid specifications for said services and the Mayor is authorized to sign same

RESOLUTION 14-80

**RE: APPROVAL OF RAFFLE LICENSE
ID#133-5-37385
ENGLEWOOD CLIFFS EDUCATIONAL FOUNDATION, INC**

WHEREAS, the ENGLEWOOD CLIFFS EDUCATIONAL FOUNDATION has applied for an On-Premise raffle license; and

WHEREAS, the ENGLEWOOD CLIFFS EDUCATIONAL FOUNDATION has complied with all requirements as outlined in N.J.A.C. 13; and

WHEREAS, the Findings and Determination has been certified by the Municipal Clerk;

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 ENGLEWOOD CLIFFS EDUCATIONAL FOUNDATION.

BE IT FURTHER RESOLVED that raffle will be conducted on MAY 30, 2014, from 7:00 P.M. TO 10:00 P.M. at ENGLEWOOD CLIFFS UPPER SCHOOL, 143 CHARLOTTE PLACE in the Borough of Englewood Cliffs.

RESOLUTION 14-81

WHEREAS, Lt. Scott Mura has requested extended sick leave pursuant to Ordinance #7509 , and

WHEREAS, the Chief of Police and the Borough Attorney have reviewed same along with his doctor's report.

NOW, THEREFORE, be it resolved that medical sick leave pursuant to said ordinance shall be granted, retroactive to April 26, 2014, to Lt. Scott Mura, subject to him furnishing in the future the necessary up-to-date medical reports concerning his condition.

Resolution 14-82

Award Bid: Elevator Sub-code and Inspection Services

WHEREAS, the Borough of Englewood Cliffs has solicited bids for an Elevator Subcode Official for the Borough of Englewood Cliffs; and

WHEREAS, the Borough of Englewood Cliffs has received bids for an Elevator Subcode Official on April 24, 2014; and

WHEREAS, there were three (3) bids received from the following agencies:

1. Municipal Inspection Corporation, located at 183 W. 4th Street, Bayonne, New Jersey 07002; and
2. New Jersey Technical Services, Inc., located at 100 Schraalenburg Road, Harrington Park, New Jersey;
3. New Jersey Elevator Inspection Agency, located at 30 Amherst Place, Livingston, New Jersey 07039; and

WHEREAS, the Construction Official and Municipal Attorney have reviewed said bids.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby award the contract for an Elevator Subcode Official to Municipal Inspection Corporation, pursuant to their bid of 75% of D.C.A. New Elevator Fee Schedule and 35% Administration Fee as set forth in the requested bid specifications; and

BE IT FURTHER RESOLVED, we shall retain the second lowest bid of 80% of D.C.A. New Elevator Fee Schedule and bid check of New Jersey Technical Services, 30 Amherst Place, Livingston, New Jersey 07039, pursuant to the successful bidder signing all the necessary documents and contracts, and that the bid of New Jersey Elevator Inspection Agency, New Jersey Elevator Inspection Agency, 30 Amherst Place, Livingston, New Jersey 07039, of 54% of D.C.A. New Elevator Fee Schedule be rejected on the basis that said agency does not meet the requirements of the specifications, namely (g) which provides that the primary office of the agency be located no more than twenty (20) miles via highway or local routes, from the Borough Hall and furthermore, because they failed to provide a Certificate of Insurance naming the Borough of Englewood Cliffs as an additional insured and that the check be returned; and

BE IT FURTHER RESOLVED that the Mayor is authorized to enter into a contract pursuant to said bid specifications for said services and the Mayor is authorized to sign same.

ORDINANCE PUBLIC HEARING
ORDINANCE NO. 14-04

On a motion by Councilwoman Oh, seconded by Councilman Liang and carried, the public hearing was opened for 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”**

The Borough Attorney explained that Ordinance 14-04 is only a title change.

ALL IN FAVOR:

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

PUBLIC SPOKE:

Jack Geyer, 34 Toni Drive, Englewood Cliffs, NJ, asked if this affects commercial property owners of the buffer zone.

The Borough Attorney clarified that it affects commercial and residential properties. You can only park on paved areas.

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

ALL IN FAVOR:

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

On a motion by Council President Favaro, seconded by Councilman Aversa, Ordinance 14-04 was adopted.

ROLL CALL:

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

ORDINANCE NO. 14-04

AN ORDINANCE AMENDING ORDINANCE #14-02 TO CHANGE THE TITLE FROM CHAPTER XXX ENTITLED "ZONING", SPECIFICALLY SECTION 30-7.1 ENTITLED "PROHIBITED USES"

TO

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

BE IT ORDAINED by the Mayor and Council of the Borough of Englewood Cliffs that an Ordinance Amending Chapter X entitled, "Property Maintenance Code", specifically Section 10-6.2(a) entitled "Appearance of Exterior of Premises and Structures", be amended to read as follows:

Section 10-6.2(a) Appearance of Exterior of Premises and Structures

2. Front yard parking. No person shall park, stop or stand any motor vehicle, or permit or suffer the same to be done, in any front yard area of premises occupied by a dwelling except on driveways and parking areas constructed and installed in compliance with applicable borough ordinances.

(a) No person shall park any vehicle in any residential or commercial zones except on paved areas such as driveways and parking spaces. Parking on grass or any unimproved land shall be strictly prohibited.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances other than the zoning ordinance of the Borough which are inconsistent with the provisions of this chapter are hereby repealed to the extent of such inconsistency; and

BE IT FURTHER ORDAINED should any part or provision of this Ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part held so unconstitutional or invalid.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon adoption and publication in accordance with law.

ORDINANCE PUBLIC HEARING
ORDINANCE NO. 14-05

On a motion by Councilman Aversa, seconded by Council President Favaro and carried, the public hearing was opened for 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, STATE OF NEW JERSEY”**

ALL IN FAVOR:

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

PUBLIC SPOKE:

Martin Geiger, 270 Alfred Street, Englewood Cliffs, NJ, asked for clarification of Ordinance 14-05. The resident disagrees with the ordinance and asked that it be tabled for further discussion.

The Borough Attorney clarified Ordinance 14-05 for the resident.

The resident at 270 Alfred Street, Englewood Cliffs, NJ stated that she is against Ordinance 14-05.

The Borough Attorney stated that a clause could be removed from Ordinance 14-05 with the approval of the Council. He responded to the resident’s concerns.

The Mayor responded to the concerns of the resident and clarified Ordinance 14-05.

Nick Lenzo, 219 Grants Ave, Cliffside Park, NJ, agrees that the police, fire, emergency workers and first responders should be protected due to the nature of their job. He disagrees with the ordinance for elected officials.

Lauren Eastwood, 4 Willow Drive, Englewood Cliffs, NJ, questioned Councilman Aversa, Mayor Parisi, Councilwoman Oh and Borough Attorney about Ordinance 14-05, LG and pending lawsuits.

Carrol McMorrow, 7 Ridge Road, Englewood Cliffs, NJ, asked for clarification of Ordinance 14-05. She questioned the Borough Attorney about lawsuits and JIF issues.

The public hearing was closed on motion by Councilwoman Oh, seconded by Council President Favaro. So ordered.

ALL IN FAVOR:

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

A motion was made by Councilman Liang, seconded by Councilman Aversa, to carry over Ordinance 14-05 to the next Council meeting and was unanimously passed.

ALL IN FAVOR:

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

ORDINANCE NO. 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

BE IT ORDAINED by the Mayor and Council of the Borough of Englewood Cliffs as follows:

SECTION 1.

A. Defense of Civil Actions. Whenever any civil proceeding has been brought against any official or employee of the Borough of Englewood Cliffs for any action or omission within the scope of the performance of the duties of such office position, or employment, the Borough, upon request, shall defray all costs of defending such action, including reasonable counsel fees and expenses, together with costs of appeal, if any. The municipal official, employee or appointee may be indemnified for all such costs of defense resulting from the official's, employee's or appointee's civil violation of State or Federal law, if, in the opinion of the governing body, the acts committed by the official or employee upon which the claims are based did not constitute actual fraud actual malice, willful misconduct or an intentional wrong.

B. Payment of Claims. The Borough shall indemnify and save harmless each municipal official, employee or appointee from financial loss resulting from any action described above in this section, including claims, losses, expenses, judgment, attorney's fees, court costs and expert or technical witness reasonably incurred in connection therewith to the extent permitted by law. Expenses thus incurred may be paid in advance of final disposition of the action.

In addition to the foregoing, the municipal official , employee or appointee may be indemnified for exemplary or punitive damages resulting from the official's, employee's or appointee's civil violation of State or Federal law, if, in the opinion of the governing body, the

acts committed by the municipal official, employee or appointee upon which such damages are based did not constitute actual fraud, actual malice, wilful misconduct or an intentional wrong, or that the person being indemnified does not personally profit from such actions.

C. This ordinance shall apply retroactively to any and all causes of action occurring prior to this date, including any pending cause of action.

SECTION II. Any prior ordinances or parts of prior ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION III. The terms of this Ordinance are hereby declared severable. Should any part, portion or provision of this Ordinance be deemed invalid or unconstitutional, said determination shall not affect any other part, portion or provision not held to be invalid.

SECTION IV. This Ordinance shall take effect immediately upon final passage according to law.

ORDINANCE NO. 14-06

On a motion by Councilman Aversa, seconded by Councilwoman Oh and carried, the public hearing was opened for 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”**

ALL IN FAVOR:

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

There being no discussion, the public hearing was closed on motion by Council President Favaro, seconded by Councilman Consalvo. So ordered.

ALL IN FAVOR:

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

On a motion by Council President Favaro, seconded by Councilwoman Oh, Ordinance 14-06 was adopted.

ROLL CALL:

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

ORDINANCE NO. 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**

BE IT ORDAINED by the Mayor and Council of the Borough of Englewood Cliffs that Chapter XI entitled “Sewer and Water”, Specifically Section 11-1.10 Entitled “Supplement to Ordinances” be amended to read as follows:

Section 11-1.10 (a)

The owner of any property being served by the sewer system shall be responsible for the maintenance and repair of the lateral line running from any structure to the main sewer line of the Borough.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances other than the zoning ordinance of the Borough which are inconsistent with the provisions of this chapter are hereby repealed to the extent of such inconsistency; and

BE IT FURTHER ORDAINED should any part or provision of this Ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part held so unconstitutional or invalid.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon adoption and publication in accordance with law.

FIRST HEARING AND INTRODUCTION – ORDINANCES

Ordinance 14-07 – An ordinance to amend and supplement Chapter XX, entitled “Recycling”, specifically Section 20-18 entitled “Permits for demolition, construction or renovation” of the general ordinances and revised code of the Borough of Englewood Cliffs

On a motion by Councilman Aversa, seconded by Council President Favaro and carried unanimously, Ordinance 14-07 entitled “AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XX, ENTITLED “RECYCLING”, SPECIFICALLY SECTION 20-18 ENTITLED “PERMITS FOR DEMOLITION, CONSTRUCTION OR RENOVATION” 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 June 18, 2014.

ROLL CALL:

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

Ordinance 14-08 – Calendar Year 2014 ordinance to exceed the municipal budget appropriation limits and to establish a cap bank(N.J.S.A., 40A: 4-45,14)

On a motion by Councilman Aversa, seconded by Council President Favaro and carried unanimously, Ordinance 14-08 entitled “CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK(N.J.S.A., 40A: 4-45, 14)”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 June 18, 2014.

ROLL CALL:

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

Ordinance 14-09 – An ordinance fixing salaries, wages and compensation for all salaried, appointed and elected officers within the Borough of Englewood Cliffs, in the County of Bergen, and State of New Jersey

On a motion by Councilman Aversa, seconded by Council President Favaro and carried unanimously, Ordinance 14-09 entitled “AN ORDINANCE FIXING SALARIES, WAGES AND COMPENSATION FOR ALL SALARIED, APPOINTED AND ELECTED OFFICERS WITHIN THE BOROUGH OF ENGLEWOOD CLIFFS, IN THE 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 June 18, 2014.

ROLL CALL:

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

MAYOR PARISI STATED:

“IF THERE WAS ANY UNFINISHED BUSINESS AT THIS TIME

UNFINISHED / NEW BUSINESS:

Seeing and Hearing none, the meeting was adjourned at 11:10 PM.

Respectfully submitted by Lisette M. Duffy, Borough Clerk.

ATTEST:



Lisette M. Duffy, Borough Clerk