



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

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL

DATE: August 13, 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	Nunzio Consalvo
Councilman	Ed Aversa

ABSENT AT ROLL CALL:

Councilman	Zhi Liang
Councilwoman	Gloria Oh

ALSO PRESENT:

Borough Attorney	E. Carter Corriston
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

The Mayor asked for a moment of silence for the family of Councilwoman Oh whose mother-in-law passed away in Korea.

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 Meeting Minutes July 9, 2014
Special Meeting Minutes July 22, 2014

On a motion by Council President Favaro, seconded by Councilman Ferro, Caucus Meeting minutes of July 9, 2014 & Special Meeting Minutes of July 22, 2014, were unanimously approved.

ALL IN FAVOR:

AYES: Ferro, Favaro, Consalvo, Aversa

DEPARTMENT HEAD REPORTS for July 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 July 2014 were approved.

ALL IN FAVOR:

AYES: Ferro, Favaro, Consalvo, Aversa

- **CORRESPONDENCE:** : Steven Muhlstock, Esq.
Michael Kates, Esq.
Mohammad Diab., Resident

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

ALL IN FAVOR:

AYES: Ferro, Favaro, Consalvo, Aversa

CLAIMS FOR THE PERIOD: July 10, 2014 through August 13, 2014.

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

ROLL CALL:

AYES: Ferro, Favaro, Consalvo, Aversa

Public Portion - Consent Agenda & all other matters other than Budget Adoption or Public Hearing of Ordinances.

- **ORDINANCES 2014: Public Hearing**
14-11 – Amend Height Ordinance to Prohibit Commercial Construction in Excess of 35ft
Open to the Public on 14-11 ONLY

ORDINANCE PUBLIC HEARING

ORDINANCE NO. 14-11

On a motion by Councilman Aversa, seconded by Council President Favaro and carried, the public hearing was opened for Ordinance 14-11 entitled "AN ORDINANCE TO AMEND AND SUPPLEMENT THE ZONING ORDINANCES OF ENGLEWOOD CLIFFS AS TO PROHIBIT THE CONSTRUCTION OF ANY BUILDING, INCLUDING CORPORATE, PROFESSIONAL AND BUSINESS OFFICES IN ANY ZONING DISTRICT IN THE BOROUGH OF ENGLEWOOD CLIFFS IN EXCESS OF 35 FEET IN HEIGHT"

ALL IN FAVOR:

AYES: Ferro, Favaro, Consalvo, Aversa

PUBLIC SPOKE:

Nicholas Sekas, Esq., 530 Sylvan Ave, Englewood Cliffs, NJ 07632, read a letter regarding the height on the ordinance. He is not in favor of Ordinance 2014-11.

The Mayor is imposing the 3-minute rule to speak.

Rick Savato, 176 Mill Street, Westwood, NJ 07675, represents the building trades' members in Bergen County. The ordinance is too restrictive and is not in favor of it.

Harold Chapler, is not in favor of the height ordinance. We are the custodians of the Palisades.

Andrew Strieber, 750 Floyd Street, Englewood Cliffs, NJ 07632, is in favor of the ordinance. He does not want tall buildings in the town.

Danny Jaloudi, Ash Street, Englewood Cliffs, NJ 07632 wants to keep LG in town. They are good neighbors.

The Mayor reminded everyone that Ordinance 14-11 would not affect the LG variance.

Rob Kim, 285 Arthur Ave, Englewood Cliffs, NJ 07632, feels that this ordinance will create difficulties for other companies to build in Englewood Cliffs. The policy is very inconsistent.

The Mayor stated that no one on the Council is involved with negotiations with LG or other parties. He explained the process as to how LG received its variance.

Tony Russo from the Commerce and Industry Association of NJ said that the State should be a partner, not an obstacle. He recommended that the Council vote no to this ordinance.

The Mayor responded that reducing the height does not mean we are pushing business away. We encourage businesses to build in Englewood Cliffs and must work in harmony.

Dave DiGrigorio, 165 Charlotte Place, Englewood Cliffs, NJ 07632, would like the Council to be more aggressive with informing the residents of what is happening in the town.

Maria Villari, 45 Jane Drive, Englewood Cliffs, NJ 07632 opposes the height of LG building. LG should expand sideways instead of upward.

Matthew B. Malat, Director of Government Relations, said bringing down the height of the LG building could affect all future buildings in the area.

Carin Geiger, 270 Alfred Street, Englewood Cliffs, NJ 07632, said our Master Plan does not support high-rise development.

Mary O'Shea, 12 Irving Avenue, Englewood Cliffs, NJ 07632, affirmed that this ordinance is not about LG; it is about the town staying small and livable.

James Gilbert, Chatham, NJ, said economic development must not be confused with real estate development. He is in favor of this ordinance.

Robert Nanfro, Parsippany, NJ, said the ordinance would impede progress and restrict future businesses in the town. Other companies will not come because of the height reduction.

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

ALL IN FAVOR:
AYES: Ferro, Favaro, Consalvo, Aversa

Borough Attorney asked that a letter be read from **Planning Board Attorney, Michael Kates**.

Borough Attorney said the **Planning Board** satisfied the requirement.

The Mayor asked the **Council** for their comments before voting on the ordinance.

Council President Joe Favaro spoke in favor of LG and new height ordinance.

Councilman Aversa said that compromise is a good thing and this ordinance will have zero effect on LG. He would like LG to voluntarily lower the height of the building and preserve the Palisades.

The Mayor said he wants to preserve balance and compromise with all of our businesses in the town. Every business must go through the hearing process with the **Planning Board**.

No other comments from the Council.

On a motion by Councilman Aversa and seconded by Council President Favaro. Ordinance 14-11 was adopted.

ROLL CALL:
AYES: Ferro, Favaro, Consalvo, Aversa

COMMITTEE REPORTS

COUNCILMAN FERRO reported that there would be no garbage pick-up on September 1st, Labor Day. Garbage pick-up will be on Tuesday, September 2 for the Southside and Wednesday, September 3 for the North side.

COUNCIL PRESIDENT FAVARO reported that everyone received the new green containers from the DPW.

COUNCILMAN CONSALVO spoke about the Clean Community Program Fund administered by the Department of Environmental Protection. The Borough will receive funding for the program.

COUNCILMAN AVERSA spoke about Recreation Committee events. Summer camp ended Friday, August 8. He thanked the Police Chief for a successful National Night Out. The feasibility of fireworks and a town carnival will be discussed.

DPW SUPERINTENDENT NEVILLE reported that the new green containers have been distributed to the residents. If anyone needs extras, they may call the DPW. Pershing Pond project is ongoing. He spoke about the 2014 Road Program. All potholes and a total of thirteen roads and parking lot will be repaired.

BOROUGH ENGINEER MIRANDI reported the Pershing Pond project is ongoing. The Summit Street and Riverside Cooperative program will start shortly. We have received the 2014 bids for the 2014 Road Improvement project and hopes the Council to awards the bid tonight.

The Mayor on behalf of the Council and town thanked Police Chief Cioffi for doing a great job with the recent National Night Out.

POLICE CHIEF CIOFFI reported that the Junior Police Academy was successful. There has been a significant reduction in motor vehicle accidents and summonses due to the red light traffic camera. He is looking into the feasibility of a traffic light generator when we lose power. We will move forward to apply for a money grant for the generator. He received Ebola virus information from CDC.

Councilman Consalvo wanted to know how we could prevent the accidents that occur at the intersection of Charlotte and Sylvan.

Police Chief responded that traffic lights are state approved and most of the time; people are not paying attention when they drive and make mistakes.

BOROUGH ATTORNEY - no report

BOROUGH CLERK reported that United Water Company would be changing all the water meters in town to be completed by March 2015. In-Line Services will be contacting our residents. Employees must show a proper ID card and wear the appropriate uniform. Never let anyone in your house without proper identification. Residents should call the Police Department if there is any doubt. Councilman Aversa will send a reverse 911 to notify the residents.

- **RESOLUTIONS 2014:**

- ***Consent Agenda***

- 109 – Police Donation
- ~~110 – Tax Appeal 129 Hollywood Ave -pulled~~
- ~~111 – Tax Appeal 90 Roberts Road -pulled~~
- ~~112 – Tax Appeal Two Sylvan Ave -pulled~~
- ~~113 – Tax Appeal Two Fifth Street -pulled~~
- ~~114 – Tax Appeal 34 Bayview Ave -pulled~~

- ~~115 Tax Appeal 51 N. Virginia Court -pulled~~
- 116 – Capital Budget Amendment
- 117 – Award Bid for 2014 Road Resurfacing Project
- 118 – Securities and Exchange Commission Municipal Disclosure
- ~~119 Tax Appeal 360 Sylvan Associates - pulled~~
- ~~120 Tax Appeal SYL Associates 120 Van Nostrand Ave - pulled~~
- ~~121 Tax Appeal FR Brunetti 580 Sylvan Ave -pulled~~
- ~~122 Municipal Taxation 3 Stephen Drive - pulled~~
- 123- Tax Sale Certificate 3 Stephen Drive

Open to the Public on all matters other than 1A-11

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

PUBLIC PORTION:

The Council President 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 Councilman Consalvo and carried unanimously, the meeting was open to the public.

ALL IN FAVOR:

AYES: Ferro, Favaro, Consalvo, Aversa

PUBLIC SPOKE:

David DiGregorio, 165 Charlotte Place, Englewood Cliffs, NJ 07632, is not happy with red light camera. In addition, not in favor of the cheap construction of a building that went up across from Connect Bank.

Dr. Steiber, 750 Floyd Street, Englewood Cliffs, NJ 07632, is in favor of the Red Light Camera. They do prevent accidents.

Mario Kranjac, 47 N. Virginia Court, Englewood Cliffs, NJ 07632 is happy the building height ordinance was approved. However, the residents still should be asked if they want LG to construct its tall building.

Lauren Eastwood, 4 Willow Drive, Englewood Cliffs, NJ, is in favor of the building height ordinance being approved. She questioned Councilman Aversa on his views regarding the height ordinance.

Mary O’Shea, 12 Irving Ave, Englewood Cliffs, NJ 07632, said she is very happy that the ordinance passed and the Council did the right thing.

Carrol McMorrow, 7 Ridge Road, Englewood Cliffs, NJ, questioned the Borough Attorney on the B2 overlay zone. She asked if a resolution was missing.

Carin Geiger, 270 Alfred Street, Englewood Cliffs, NJ 07632, commended the Council for passing the ordinance.

Gail Ehrenberg, 51 John Street, Englewood Cliffs, NJ 07632, suggested that a letter of notification be sent to neighbors who live within 200 feet of a residence where a tree is being taken down.

Maria Villari, 45 Jane Street, Englewood Cliffs, NJ 07632 appreciates that the ordinance was passed. She resents the derogatory remarks about our town from other communities. She is not in favor of high school students going to other towns to play sports.

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

ALL IN FAVOR:

AYES: Ferro, Favaro, Consalvo, Aversa

On a motion by Council President Favaro and seconded by Councilman Aversa, Resolutions 109, 116, 117, 118 and 123 were adopted.

ROLL CALL:

AYES: Ferro, Favaro, Consalvo, Aversa

RESOLUTION 14-109

RESOLUTION ACCEPTING DONATION FOR THE POLICE DEPARTMENT

WHEREAS, the below listed persons are residents and friends of the Borough of Englewood Cliffs; and

WHEREAS, this person(s) has 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) has generously and unselfishly agreed to donate to the Borough Police Department in the aggregate amount of \$250; and

WHEREAS, the Governing Body is proud to have the following residents and friends of Englewood Cliffs and appreciate their generosity;

Vergona Crane Co., Inc.

\$250

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

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

RESOLUTION 14-116

CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2014 was adopted on the 18th day of June, 2014; and,

WHEREAS, it is desired to amend said adopted capital budget section,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Englewood Cliffs, County of Bergen, that the following amendment(s) to the adopted capital budget section of the 2014 Budget be made:

RECORDED VOTE	(((
(Insert Last Names)	AYES	NAYS	ABSTAIN
	(((
	(((

FROM
CAPITAL BUDGET (CURRENT YEAR ACTION)
2014

1	2	3	4	5a	5b	5c	5d	5e	6
Project	Project Number	Estimated Total Cost	Amounts Reserved in Prior Years	2014 Budget Appropriation	Capital Improvement Fund	Capital Surplus	Grants in Aid and other funds	Debt Authorized	To Be Funded in Future Years
Various Improvements	2014-1	400,000			20,000			380,000	
Total All Projects		800,000			30,000			570,000	200,000

3 YEAR CAPITAL PROGRAM 2014-2016

Anticipated Project Schedule
and Funding Requirement

1	2	3	4	5					
				Funding Amounts Per Year					
Project	Project Number	Estimated Total Cost	Estimated Completion Time	Budget Year 2014	Budget Year 2015	1	2	3	4
				2014	2015	2016	2017	2018	2019
Various Improvements	2014-1	400,000	2014	400,000					
Total All Projects		800,000		600,000	100,000	100,000			

3 YEAR CAPITAL PROGRAM 2014-2016

SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 Project	2 Estimated Total Cost	Current Year 2014	Future Years	4 Capital Improvement Fund	5 Capital Surplus	6 Grants in Aid and Other Funds	BONDS AND NOTES				
							General	Liquidating	Assessment	School	
2014-1	400,000			20,000			380,000				
Total All Projects	800,000			40,000			760,000				

TO
CAPITAL BUDGET (CURRENT YEAR ACTION)

1 Project	2 Project Number	3 Estimated Total Cost	4 Amounts Reserved in Prior Years	5a 2014 Budget Appropriation	5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid and other funds	5e Debt Authorized	6 To Be Funded in Future Years
Total All Projects		2,328,000			104,100		46,000	1,977,900	200,000

3 YEAR CAPITAL PROGRAM 2014-2016

Anticipated Project Schedule
and Funding Requirement

1 Project	2 Project Number	3 Estimated Total Cost	4 Estimated Completion Time	5 Funding Amounts Per Year					
				Budget Year 2014	Budget Year 2015	Budget Year 2016	Budget Year 2017	Budget Year 2018	Budget Year 2019
Various Improvements	2014-1	1,928,000		1,928,000					
Total All Projects		2,328,000		2,128,000	100,000	100,000			

6 YEAR CAPITAL PROGRAM 2014-2019

SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 Project	2 Estimated Total Cost	Current Year 2014	Future Years	4	5	6	BONDS AND NOTES				
				Capital Improvement Fund	Capital Surplus	Grants in Aid and Other Funds	General	Liquidating	Assessment	School	
2014-1	1,928,000			94,100		46,000	1,787,900				
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Total All Projects	2,328,000			114,100		46,000	2,167,900				

Be It Further Resolved that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

RESOLUTION 14-117

RESOLUTION TO AWARD BID FOR 2014 ROAD RESURFACING PROGRAM

WHEREAS, on July 30, 2014 and July 31, 2014, the Borough of Englewood Cliffs received six (6) sealed bids for the 2014 Road Resurfacing Program; and

WHEREAS, the bids have been reviewed by the Municipal Engineer and the Municipal Attorney; and

WHEREAS, the Mayor and Council are desirous of awarding the contract to the bidder providing the lowest cost to the Borough; and

WHEREAS, D&L Paving Contractors, Inc., has provided the lowest cost for the base bid plus Alternate Bid A and B for a total cost in the amount of \$607,393.80; and

WHEREAS, it is the recommendation of the Municipal Engineer that the contract be awarded for the Base Bid and Alternate Bid A and B to D&L Paving Contractors, Inc., located at 681 Franklin Avenue, Nutley, New Jersey 07110;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council does hereby award the contract for the 2014 Road Resurfacing Program, in the amount of \$607,393.80 to D&L Paving Contractors, Inc., and that the Borough Attorney is hereby authorized to prepare the appropriate agreement thereof and the Mayor is authorized to sign same.

BE IT FURTHER RESOLVED that all persons who have previously received bid documents from the Borough be notified of the passage of this Resolution when and if it is passed and the second and third lowest bidders' papers be retained until such time as the agreement is signed.

RESOLUTION 14-118

RESOLUTION OF THE BOROUGH OF ENGLEWOOD CLIFFS DIRECTING THE UNDERTAKING OF A CONTINUING DISCLOSURE REVIEW AND AUTHORIZING PARTICIPATION IN THE

**MUNICIPALITIES CONTINUING DISCLOSURE
COOPERATION INITIATIVE OF THE SECURITIES
AND EXCHANGE COMMISSION**

WHEREAS, the Borough of Englewood Cliffs, in the County of Bergen, New Jersey (the "Issuer") has previously issued one or more series of bonds ("Obligations"), including Obligations issued in the past five (5) years pursuant to one or more preliminary and final official statements; and

WHEREAS, in connection with the issuance of the Obligations, the Issuer agreed, pursuant to Rule 15c2-12 (the "Rule") of the Securities and Exchange Commission (the "SEC"), to provide certain information to the former nationally recognized municipal securities information repositories or to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access system, including, but not limited to, audited financial statements, certain financial information and operating data and notices of ratings changes and other events; and

WHEREAS, the SEC has recently focused on what it believes is widespread failure of local government issuers across the nation to meet their continuing disclosure obligations and misrepresentations in official statements of past compliance with continuing disclosure obligations; and

WHEREAS, in an effort to remedy these perceived issues, the SEC has implemented the Municipalities Continuing Disclosure Cooperation Initiative (the "MCDC Initiative"), a program currently scheduled to end for issuers at 12:00 a.m. on December 1, 2014, that encourages issuers of municipal bonds and notes to self-report possible material misstatements or omissions made in the past five (5) years in an official statement or statements regarding compliance with prior continuing disclosure undertakings; and

WHEREAS, by participating in the MCDC Initiative, issuers agree to accept certain non-monetary penalties; and

WHEREAS, recently, the Division of Local Government Services issued Local Finance Notice 2014-9 warning local government officials of possible consequences for failing to identify past noncompliance with continuing disclosure requirements and determining whether to take advantage of the MCDC Initiative, and recommending that local government officials proactively take steps to self-identify their own levels of compliance with their continuing disclosure undertakings and consult their public finance professionals to determine if it is advisable to participate in the MCDC Initiative; and

WHEREAS, the Issuer desires to conduct a disclosure review which will (i) summarize the results of the Issuer's prior compliance with its secondary market disclosure obligations and (ii) compare those results to the statements made by the Issuer in the last five (5) years in its official statement or statements regarding past compliance (the "Disclosure Review"); and

WHEREAS, based on the results of the Disclosure Review, the Issuer further desires to delegate to the Chief Financial Officer, in consultation with the Issuer's general counsel, bond counsel, financial advisor, auditor and other finance professionals, the authority to prepare and submit all documentation required to enter the Issuer's bond [and note] issues into the MCDC Initiative, as necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF ENGLEWOOD CLIFFS, IN THE COUNTY OF BERGEN, NEW JERSEY, AS FOLLOWS:

Section 1. The Issuer hereby determines to undertake a Disclosure Review, and directs its Chief Financial Officer to undertake same with the assistance of the Issuer's general counsel, auditor, bond counsel and financial advisor.

Section 2. The Chief Financial Officer of the Issuer is hereby authorized and delegated the authority to determine if the Issuer shall participate in the MCDC Initiative if, after consultation with the Issuer's officials and professionals, it is determined that the Issuer may have made materially inaccurate statements in its bond offering documents relating to prior compliance with continuing disclosure obligations pursuant to the Rule in connection with its Obligations issued during the last five (5) years prior.

Section 3. The Chief Financial Officer of the Issuer is hereby authorized to execute and deliver any and all documents and instruments, including the Municipalities Continuing Disclosure Cooperation Initiative Questionnaire for Self-Reporting Entities contained in the MCDC Initiative, and to do and cause to be done any and all acts and things necessary or proper for participating in the MCDC Initiative and all related transactions, including the Disclosure Review, contemplated by this resolution.

Section 4. Any action taken by the Chief Financial Officer, or any other officer or employee of the Issuer, with respect to the Disclosure Review, the engagement of a disclosure specialist and participation in the MCDC Initiative is hereby ratified and confirmed.

Section 5. This resolution shall take effect immediately.

RESOLUTION 14-123

WHEREAS, a Tax Sale Certificate was sold to Sunshine State Certificate IV, 7900 Miami Lakes Drive West, Miami Lakes, Florida 33016 in regard to 3 Stephen Drive, Englewood Cliffs, New Jersey, Block 1003, Lot 4, Certificate #201101; and

WHEREAS, the taxpayer has redeemed said certificate and paid to the Borough the sum of \$147,243.92;

NOW THEREFORE, BE IT RESOLVED that upon receipt of the certificate from Sunshine State Certificate IV, the Borough will issue a check in the amount of \$55,000.00 to be paid out of our trust account and a check in the sum of \$92, 243.92 to be paid out of our general account, pursuant to the letter of Joseph Iannaconi, Jr., Tax Collector.

MAYOR PARISI STATED:

"IF THERE WAS ANY UNFINISHED BUSINESS AT THIS TIME

UNFINISHED / NEW BUSINESS:

The Mayor has a conflict with the October 8th Council meeting.

Borough Clerk stated that this was discussed at the Caucus meeting and it was agreed by all to change the date of October meeting from Oct 8th to Oct 6th including Councilman Liang and Councilwoman Oh who agreed via email.

The Mayor, on the recommendation of Shirley Raffaele, Chairperson of the Historical Committee, made a motion to appoint two new members, Josephine and Gregory Grubelich to the Historical Committee.

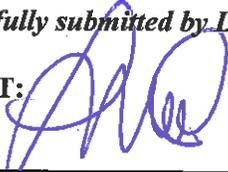
ROLL CALL:

AYES: Ferro, Favaro, Consalvo, Aversa

Seeing and hearing none, the meeting was adjourned at 10:00 PM.

Respectfully submitted by Lisette M. Duffy, Borough Clerk.

ATTEST:



Lisette M. Duffy, Borough Clerk