



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

MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND COUNCIL

DATE: August 25, 2014

CALL TO ORDER: 8:00 A.M.

PRESENT AT ROLL CALL:

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

ALSO PRESENT:

DPW Superintendent	Mark Neville
Tax Attorney	Steve Muhlstock
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.

Councilman Ferro thought that the Borough Attorney would be at the meeting.

The Mayor said we can have a meeting without the Borough Attorney; the Tax Attorney is present.

The following resolution was read by the Clerk:

RESOLUTION 14-124

RE: CLOSED SESSION

WHEREAS, N.J.S.A. 10:4-12 allows for a public body to go into closed session during a public meeting, and

WHEREAS, the Mayor and Council of the Borough of Englewood Cliffs has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public,

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Englewood Cliffs will go into closed session for the following reason as outlined in N.J.S.A. 10:4-12:

**Any pending or anticipated litigation
Tax Appeals**

The Mayor said we need a resolution for authorization to advertise for a bid for leaf pick up and Mayor to sign. He will speak to the Mayor of Alpine about a shared service for removal of leaves.

On a motion by Council President Favaro, seconded by Councilman Aversa, a resolution was added to advertise for a bid for leaf pick up and Mayor to sign was unanimously approved.

ALL IN FAVOR:

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

On a motion by Councilwoman Oh, seconded by Councilman Aversa and carried unanimously, the Council went into closed session.

ALL IN FAVOR:

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

On a motion by Councilman Aversa, seconded by Council President Favaro and carried unanimously, the Council came out of closed session.

ALL IN FAVOR:

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

ALL IN FAVOR:

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

PUBLIC SPOKE:

Lauren Eastwood, 4 Willow Drive, Englewood Cliffs, NJ, questioned how to identify the owners of a LLC for conflict of interest.

Tax Attorney responded to the resident's concerns. He advised the Council of the identities of the managers of the LLCs.

The resident questioned the Tax Attorney further and wanted to know how the other members are identified.

Tax Attorney responded that he would try to get 10% of the LLC members. He does not think he can get the minority owners.

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

ALL IN FAVOR:

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

Council President Favaro stated that since we do not know who all the owners are; we should pull those tax appeals until the Tax Attorney gets the names.

The Council unanimously agreed to vote only on Resolutions 125, 126, 129 and 134.

The Mayor recused from Resolutions 125, 126, 129 and 134

Council President Favaro presided.

On a motion by Council President Favaro, seconded by Councilwoman Oh and carried unanimously, Resolutions 125, 126, 129 and 134 were adopted.

ROLL CALL:

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

NAYS:

RECUSE: Liang – 126, Ferro – 126, Consalvo - 126

The Mayor returned to the room.

RESOLUTION 14-125

WHEREAS, Murad Civan is the owner and taxpayer of property located at 129 Hollywood Avenue in the Borough of Englewood Cliffs, at Block 906, Lot 15; and

WHEREAS, taxpayer filed 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 Civan vs. Englewood Cliffs; and be it further

RESOLVED that for tax years 2013 and 2014, the assessments of \$1,121,200 will be reduced to \$950,000, resulting in a total refund, inclusive of both years, of approximately \$2,975; and be it further

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

RESOLUTION 14-126

WHEREAS, Pramila Tiwari Trust is the owner and taxpayer of property located at 90 Roberts Road in the Borough of Englewood Cliffs, at Block 1101, Lot 4; and

WHEREAS, taxpayers filed 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 Pramila Tiwari Trust vs. Englewood Cliffs; and be it further

RESOLVED that for tax years 2013 and 2014, the assessments of \$3,944,100 will be reduced to \$3,600,000, resulting in a total refund, inclusive of both years, of \$5,150; and be it further

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

RESOLUTION 14-129

WHEREAS, Steven and Diana Pae are the owners and taxpayers of property located at 34 Bayview Avenue in the Borough of Englewood Cliffs, at Block 204, Lot 15; and

WHEREAS, taxpayers filed 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 Pae vs. Englewood Cliffs; and be it further

RESOLVED that for tax years 2013 and 2014, the assessments of \$1,374,800 will be reduced to \$1,175,000, resulting in a total refund, inclusive of both years, of approximately \$3,400; and be it further

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

RESOLUTION 14-134

WHEREAS, the United States Government obtained an Order of Forfeiture respecting the premises located at 3 Stephen Drive, also known as Block 1003, Lot 4, in or about July, 2013; and

WHEREAS, the Borough collected 2013 taxes in full, despite the Order of Forfeiture; and

WHEREAS, the Tax Assessor was not notified of the Order of Forfeiture until 2014, and after the Borough's tax assessment book was completed and submitted to the State; and

WHEREAS, 2014 taxes have not been paid, since the United States Government is exempt from the payment of municipal taxes; and

WHEREAS, only the Borough Council has the authority to release a property from taxation once the final tax assessment book has been accepted by the County and the State; and

WHEREAS, it is necessary for the Borough to release the property from taxation for a portion of the 2014 tax year, because it would later improperly be listed for tax sale; and

WHEREAS, the property was sold by the United States Government on August 7, 2014, at which point the third party purchaser is responsible for the payment of municipal taxes; and

WHEREAS, the total tax which must be released by the Borough is \$19,088.53, representing the time period from 01/01/2014 through 08/07/2014, including principal and interest;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs that the Borough does hereby release from municipal taxation, the real premises located at 3 Stephen Drive, also known as Block 1003, Lot 4 in Englewood Cliffs, NJ, for the time period from 01/01/2014 through 08/07/2014; and the Tax Assessor and Tax Collector are hereby directed to amend the Borough's records and/or notify the Bergen County Board of Taxation and/or the State of New Jersey, Division of Taxation, of this release, if necessary.

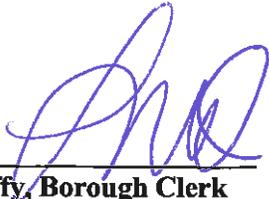
MAYOR PARISI STATED:

"IF THERE WAS ANY UNFINISHED BUSINESS AT THIS TIME

Seeing and Hearing none, the meeting was adjourned at 9:15 AM.

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

ATTEST:



Lisette M. Duffy, Borough Clerk