



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

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL

DATE: September 10, 2014

CALL TO ORDER: 8:00 P.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

ABSENT AT ROLL CALL:

Chief of Police	Michael Cioffi
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ALSO PRESENT:

Borough Attorney	E. Carter Corrison
Borough Engineer	Jeffrey Morris
DPW Superintendent	Mark Neville
Municipal Clerk	Lisette M. Duffy

FLAG SALUTE LEAD BY: Council President Favaro

The Mayor asked for a moment of silence for retired crossing guard Josephine Henn, who passed away recently.

The Mayor asked for a moment of silence in memory of all that perished on September 11, 2001.

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 of August 13, 2014
Regular Meeting Minutes of August 13, 2014
Special Meeting Minutes of August 25, 2014

On a motion by Council President Favaro, seconded by Councilman Aversa, Caucus and Regular Meeting minutes of August 13, 2014 & Special Meeting Minutes of August 25, 2014, were approved.

ALL IN FAVOR:

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

ABSTAIN: Oh – Caucus & Regular Minutes of August 13, 2014

DEPARTMENT HEAD REPORTS for August 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 August 2014 were approved.

ALL IN FAVOR:

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

- **CORRESPONDENCE:** Steven MuhlstocK, Esq.
Englewood Cliffs Senior Citizen's Board of Directors

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

ALL IN FAVOR:

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

CLAIMS FOR THE PERIOD: August 14, 2014 through September 10, 2014.

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

ROLL CALL:

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

Open to the Public

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."

Councilman Liang suggested that the Council be notified of all LLC names on tax appeals prior to the appeal.

The Mayor stated this was discussed at the last meeting and it was decided that the Council would be notified of LLC names.

On a motion by Councilman Aversa, seconded by Councilwoman Oh 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, agreed that she would like to see the names of all LLCs for tax appeals. She questioned the Mayor about possible conflict of interest with tax appeals.

The Mayor said he recused himself from the tax appeals due to the nature of his insurance business and was concerned about a conflict of interest. He asked each Council member if they felt he did anything wrong in closed session and all agreed, the Mayor did nothing wrong.

Borough Attorney gave his legal opinion on distribution of closed session minutes. The content of the minutes depends on the subject discussed. Legal opinions of an attorney cannot be placed into closed session minutes.

Mary O'Shea, 12 Irving Ave, Englewood Cliffs, NJ 07632, questioned the tax appeal process and the reason there are so many tax appeals.

The Mayor recused from the tax appeal discussion due to potential conflict of interest.

Council President Joe Favaro presided.

The Mayor returned to the podium.

Carrol McMorrow, 7 Ridge Road, Englewood Cliffs, NJ, questioned Councilman Aversa about a tax appeal. She agrees that there should be more transparency in the tax appeal process.

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 spoke about lights and sanitation. The streetlights have been fixed. Residents may report any lights that are still out to Councilman Ferro or to the Police Department. There were no complaints about the garbage schedule on Labor Day weekend.

COUNCILMAN LIANG reported that the Board of Health has a new health inspector. The Historical Committee recommended that DPW clean up Woodland Cemetery. The Historical Committee reported that a documentary movie about Englewood Cliffs would be coming out shortly.

The Mayor said the town does not own Woodland Cemetery; it is private property. He recommended that Borough Attorney look into the legality of property maintenance.

Borough Attorney said that perhaps a civic group could help clean up the cemetery.

On a motion by Councilman Ferro, seconded by Councilwoman Oh, and carried unanimously the Borough Attorney working with the Historical Committee, will look into a legal and financial solution for cleanup of the cemetery.

ALL IN FAVOR:

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

Council President Favaro said the documentary film will be shown in Loew's theater in Hudson County on September 20th at 1PM and would be shown at a later date in a local movie theater.

The Mayor recommended that Borough Clerk put an announcement on the website.

COUNCIL PRESIDENT FAVARO spoke about naming a street for Eugene Montigny, a deceased WWI veteran from Englewood Cliffs. He will recommend to the Historical Committee to put a gold star and honoree's name above the appropriate street sign.

The Mayor recommended that we name one of the uninhabited streets so that it would not affect the residents living on the street.

Councilman Ferro asked if we have a naming policy. The Mayor stated that there is no naming policy but we should never change a street that affects the residents.

A motion was made by Council President Favaro, seconded by Councilwoman Oh, and carried unanimously, to authorize the Borough Clerk to advertise for CFO/Treasurer position and all the professionals for 2015.

ALL IN FAVOR:

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

COUNCILWOMAN OH spoke about the 2013 Audit Compliance. The Borough is in a good fiscal position.

COUNCILMAN CONSALVO spoke about Clean Community. He received a list from DPW Superintendent regarding Clean Communities. He spoke about new legislation in the state for casinos, racetracks and betting locations, and the backlog of veteran disability claims.

The Mayor asked the Borough Attorney to look into the new legislation regarding fingerprinting and businesses.

COUNCILMAN AVERSA spoke about new Recreation programs and we had a great start at registration on Saturday. All programs, events and registration forms are on our website. He read a commendation letter for Lieutenant Brian Murphy from Palisades Park Police Chief.

DPW SUPERINTENDENT NEVILLE reported that the Pershing Pond project is going well. There will be a lot of road work/paving going on soon and he is working with the Deputy Chief of Police on traffic. Labor Day garbage pickup went well. Leaf season begins October 14.

BOROUGH ENGINEER JEFFREY MORRIS reported that the 2013 Road Project is near completion. The Riverside Co-Op project will begin Saturday.

POLICE CHIEF CIOFFI reported that paving would begin 9/11 on Hudson Terrace. There is a Bike Race scheduled for September 20 on Hudson Terrace. Due to the paving, bicyclists will use some of the back roads in Englewood Cliffs. He gave a presentation to the seniors last night with Sergeant Tracey that went very well. A reminder to notify the map companies when changing street names.

The Mayor questioned the reason cones are in the left lane on 9W. Police Chief said placement of the cones is necessary to prevent car accidents.

BOROUGH ATTORNEY spoke about the pole installation for the siren and leaf pick up service.

BOROUGH CLERK – no report

- **RESOLUTIONS 2014:**

- *Consent Agenda*

- 136 – 2013 Audit Compliance

- 137 – Tax Appeal Two Sylvan Ave

- 138 – Tax Appeal Two Fifth Street

- 139 - Tax Appeal 360 Sylvan Associates

- 140 - Tax Appeal FR Brunetti 580 Sylvan Ave

- 141 - Tax Appeal SYL Associates 120 Van Nostrand Ave

- 142 - Approval of United Water Main Extension

- 143 – Authorization to Sign Agreement for Pole Installation with Henkels & McCoy

- 144 – Authorization for Emergency Elevator Door Repair

- 145 – Authorization to Award 2014 Leaf Pickup Service

- 146 – Donation to the Police Department

- 147 – Hire NW Financial Group (SEC)

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

The Mayor recused from all resolutions and left the podium.

Council President Favaro presided.

On a motion by Councilman Aversa and seconded by Council President Favaro, Resolutions 136 through 147 were adopted.

ROLL CALL:

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

NAYS: Aversa – Resolution 140

The Mayor returned to the podium.

RESOLUTION 14-136

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of **N.J.S.A. 40A:5-6**, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per **R.S. 52:27BB-34**, and

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: and

General Comments

Recommendations

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the annual Audit entitled:

General Comments

Recommendations

as evidenced by the group affidavit form of the governing body, and

WHEREAS, Such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, All members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, Failure to comply with the promulgations of the Local Finance Board of the State of new Jersey may subject the members of the local governing body to the penalty provisions of **R.S. 52:27BB-52** - to wit:

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

RESOLUTION 14-138

WHEREAS, Two Fifth Street Associates is the owner and/or taxpayer of property located at Two Fifth Street in the Borough of Englewood Cliffs, at Block 201, Lot 1; 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 Two Fifth Street Associates vs. Englewood Cliffs; and be it further

RESOLVED that for tax year 2013, the assessment of \$1,675,000 will be reduced to \$800,000, and for tax year 2014, the taxpayer will withdraw the complaint, and the assessment of \$661,500 will remain intact; resulting in a total refund of approximately \$7,429; and be it further

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

RESOLUTION 14-139

WHEREAS, 360 Sylvan Associates are the owners and taxpayers of property located at 360 Sylvan Avenue in the Borough of Englewood Cliffs, at Block 411, Lot 19; 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 360 Sylvan Associates vs. Englewood Cliffs; and be it further

RESOLVED that for tax years 2013 and 2014, the assessments of \$5,875,000 will be reduced to \$4,920,000, resulting in a total refund, inclusive of both years, of \$16,416; and be it further

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

RESOLUTION 14-140

WHEREAS, F.R. Brunetti Con. Corp. is the owner and taxpayer of property located at 580 Sylvan Avenue in the Borough of Englewood Cliffs, at Block 806, Lot 9; 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 F.R. Brunetti Con. Corp. vs. Englewood Cliffs; and be it further

RESOLVED that for tax years 2013 and 2014, the assessments of \$10,000,000 will be reduced to \$8,692,500, resulting in a total refund, inclusive of both years, of \$22,475; and be it further

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

RESOLUTION 14-141

WHEREAS, SYL Associates, LLC are the owners and taxpayers of property located at 120 Van Nostrand Avenue in the Borough of Englewood Cliffs, at Block 131, Lot 5; 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 SYL Associates, LLC vs. Englewood Cliffs; and be it further

RESOLVED that for tax years 2012, 2013 and 2014, the assessments of \$2,450,000 will be reduced to \$1,600,000, resulting in a total refund, inclusive of all three years, of \$21,623; and be it further

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

RESOLUTION 14-142

RE: AUTHORIZATION OF INSTALLATION TO EXTEND WATER MAIN BETWEEN RAYMOND STREET AND LORETTA COURT

WHEREAS, Hartland Development Corp., has to United Water New Jersey an application for an extension to its distributing system running as described and consisting of installing 40' of 6" DI pipe beginning at DE valve #72 in Raymond Street south to Loretta Court, continuing with another 20' of 6" DI pipe in Loretta Court.

NOW, THEREFORE, BE IT RESOLVED, that the said extension is made and the same hereby is approved.

BE IT FURTHER RESOLVED that this Resolution is subject to the approval of United Water of same.

RESOLUTION 14-143

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH HENKELS & McCoy

WHEREAS, the Borough of Englewood Cliffs is in need of a rock hole to be drilled for the purpose of pole installation in regard to the placement of a siren on Middlesex Avenue on the north side 37 feet west of 9W; and

WHEREAS, only one informal bid has been received and that is from Henkels & McCoy, 381 Cranberry Road, Farmingdale, New Jersey 07727; 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 to the sole bidder, namely, Henkels & McCoy, in the amount of \$2,240.00, pursuant to the specifications provided therefore and that the Borough Attorney is authorized to prepare the appropriate agreement and the Mayor is authorized to sign same.

RESOLUTION 14-144

RESOLUTION AUTHORIZING EMERGENCY REPAIR FOR THE ELEVATOR AT 482 HUDSON TERRACE

WHEREAS, an emergency has arisen in regard to the Otis Elevator AT400 door operator at 482 Hudson Terrace, which effects the use of the elevator, and

WHEREAS, the elevator is used to transport residents and visitors to the second and third floor of Borough Hall, 482 Hudson Terrace, and

WHEREAS, the elevator is shutdown at this time and has been deemed hazardous to any persons using the elevator, and

WHEREAS, there is insufficient time to obtain formal bidding pursuant to the applicable bid laws of the State of New Jersey,

NOW THEREFORE BE IT RESOLVED, that the Borough of Englewood Cliffs is authorized to enter into an agreement for the immediate repair of same pursuant to the estimate provided to the Borough Administrator by Clifton Elevator Service Co, of \$12,650 to furnish and install one (1) Otis Elevator AT400 door operator.

RESOLUTION No 14 - 145

RE: AWARD BID – Disposal of fall leaves beginning October 14, 2014 to December 31, 2014 or until all leaves are collected

WHEREAS, the Borough of Englewood Cliffs has received one (2) bids for the transfer of leaves from the Department of Public Works yard for the fall leaf season; and

WHEREAS, the Public Notice to Bidders was properly published in The Record on August 30, 2014; and

WHEREAS, the bids have been reviewed by the Superintendent of the Department of Public Works 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, Environmental Renewal, LLC, has provided the lowest total cost in the amount of \$9.83 per cubic yard; and

WHEREAS, it is the recommendation of the Superintendent of the Department of Public Works and the Municipal Attorney that the contract be awarded to Environmental Renewal, LLC, located at 27 Andrews Drive, Woodland Park, New Jersey 07424 for the price of \$9.83 per cubic yard.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council does hereby award the contract for the for the disposal of leaves beginning October 14, 2014 to December 31, 2014 or until all leaves are collected, to Environmental Renewal, LLC, located at 27 Andrews Drive, Woodland Park, New Jersey 07424, for the price of \$9.83 per cubic yard and that the Borough Attorney is hereby authorized and directed to prepare the appropriate agreement therefor 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 14-146

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 \$500; and

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

P.B.A. Local No. 45, Inc.

\$500

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.

RESOLUTION 14 – 147

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR PROFESSIONAL FINANCIAL PLANNING SERVICES

WHEREAS, there exists a need for the Borough of Englewood Cliffs ("Borough") to retain the services of a licensed financial advisor to provide financial advisory services on an as needed basis to the Borough; and

WHEREAS, said services are recognized as "professional services" as same shall be rendered by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, the Borough wishes to retain the services of NW Financial Group, LLC ("NW Financial") to perform such professional financial advisory services in accordance with its proposal, dated September 5, 2014, attached hereto; and

WHEREAS, NW Financial possesses the requisite expertise and skilled personnel required to provide professional financial advisory services to the Borough;
and

WHEREAS, the Mayor and Council of the Borough of Englewood Cliffs is desirous of entering into an agreement for professional financial advisory services with NW Financial in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A: II-I et seq.; and

WHEREAS, N.J.S.A. 40A:II-I et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, in anticipation that the professional financial advisory services will be performed by NW Financial at a cost below the threshold \$17,500 under the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq., and, therefore, the agreement is exempt from the provisions of the New Jersey Local Unit Pay-To-Play Law; and

WHEREAS, proposed cost of services rendered for the review, assessment and filing, NW Financial will charge \$150 per hour not to exceed \$750 annually; and

WHEREAS, the Mayor and Council have determined that funds are available for this purpose; and

WHEREAS, the agreement for the performance of financial advisory services on an as needed basis to the Borough is in the best interests of the Borough and the implementation of this agreement is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs, in the County of Bergen, State of New Jersey as follows:

1. That NW Financial shall be and is hereby appointed to perform professional financial advisory services on an as needed basis to the Borough, in accordance with its proposal, dated September 5, 2014, (Available in the Office of the Borough Clerk) for an amount not to exceed \$750.00 annually.
2. That the Mayor be and is hereby authorized to execute an agreement with NW Financial for the provision of financial advisory services to the Borough.
3. That NW Financial is specifically placed on notice that it will be required to comply with the Affirmative Action regulations of P.L. 1975 c. 127.

4. That a notice of the agreement award shall be published, and this resolution must be available for public inspection, in accordance with the requirements of N.J.S.A. 40A: II-I et seq.

5. That the Chief Financial Officer has certified as to the availability of funds for this purpose.

6. That no further action of the Borough shall be required.

MAYOR PARISI STATED:

"IF THERE WAS ANY UNFINISHED BUSINESS AT THIS TIME

UNFINISHED / NEW BUSINESS:

Seeing and hearing none, the meeting was adjourned at 9:15 PM.

Respectfully submitted by Lisette M. Duffy, Borough Clerk.

ATTEST:



Lisette M. Duffy, Borough Clerk