



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

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL

DATE: February 11, 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
Bond Counsel	William Mayer
Municipal Clerk	Lisette M. Duffy

FLAG SALUTE LEAD BY: Council President Favaro

The Mayor asked for a moment of silence for the untimely death of Borough resident Moe Aboushaca, a volunteer for the Ambulance Corps.

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.

RECOGNITION FOR OUTSTANDING SERVICE-- JOSEPHINE HENN, CROSSING GUARD

POLICE CHIEF CIOFFI PRESENTED JOSEPHINE HENN, WITH A PLAQUE FOR HER OUTSTANDING SERVICE AS A CROSSING GUARD FOR THE PAST 28 YEARS.

MINUTES: Sine and Die Meeting of January 7, 2014
Reorganization Meeting of January 7, 2014
Caucus & Regular Minutes of January 15, 2014

On a motion by Councilwoman Oh, seconded by Council President Favaro, the Minutes for January 2014 were approved.

ALL IN FAVOR:

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

DEPARTMENT HEAD REPORTS for January 2014

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

On a motion by Council President, seconded by Councilwoman Oh and carried unanimously, the Department Head Reports for January 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 from the following was read and ordered filed:

Steven Muhlstock, Esq

ALL IN FAVOR:

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

CLAIMS FOR THE PERIOD: January 16, 2014 through February 11, 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

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 Councilman Aversa, seconded by Council President Favaro and carried unanimously, the meeting was opened to the public.

ALL IN FAVOR:

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

The following from the public spoke:

Steve Rubinsky, 325 Fairview Lane, Edgewater, NJ. Mr. Rubinsky asked for confirmation that if any non-resident has the right to speak during a public meeting.

Both the Mayor and Borough Attorney advised that anyone, resident or not can speak during the public portion of the meeting.

Jack Geyer, 34 Toni Drive, Englewood Cliffs, NJ, The resident read the oath-of-office and stated that the Mayor has involvement and influence in the litigation the prior Councilwoman initiated regarding the results of the Election.

The Mayor reiterated that he did not break his Oath-of-Office. He remains unbiased and impartial.

Mike Kochevar, 11 5th Street, Englewood Cliffs, NJ, New resident in town purchased home on 5th Street (paper street). Mr. Kochevar asked if the town had any plans for the paper street.

The Mayor the Planning Board is looking at the B 3zone including the development of Fifth Street. Recommendations are made to the Mayor and Council. The Mayor also noted there is no underground storm water. Mayor Parisi understood the resident's concerns and recommended that he speak with the Building Department and the Planning Board.

The Borough Engineer said he is working closely with the Planning Board Chairman and the Building Department regarding a Development Plan. Foundation already in for a new house next to Mr. Kochevar's.

Andrew Nikow, 54 Elm Street, Englewood Cliffs, NJ, Mr. Nikow expressed concerns regarding a Councilman evoking the 5th Amendment and potentially did do something illegal. Mr. Nikow asked the Mayor how the town felt about it and why are Officials protecting themselves if nothing was done wrong.

The Mayor stated he had no comment and tried to stay impartial.

Councilman Consalvo stated that Mr. Nikow should look at the entire issue, not just one side.

Tony Morfesis, 22 John St, Englewood Cliffs, NJ. Mr. Morfesis is concerned with his neighbor's sump pump that discharges water onto John Street and Alpine Court. Mr. Morfesis' entire driveway has been uprooted is uprooted due to the water.

Maria Villari, 45 Jane Drive, Englewood Cliffs, NJ. Mrs. Villari did not appreciate that a resident she has known for many years, went to Hackensack and challenged her family's right to vote. The resident was also not in favor of Mr. Nikow's comments.

Carol McMorro, 7 Ridge Road, Englewood Cliffs, NJ, the resident read the headline form NorthJersey.com. She quoted the article stating that Judge Wilson dismissed the lawsuit. The resident asked the Mayor if he could clarify his statements and what additional information is he waiting for.

The Mayor stated he is aware of what is in the newspapers and would like to see the transcripts.

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 Waste Management found it necessary to re-schedule garbage pick-up days due to numerous snowstorms. The Councilman applauded DPW for doing a great a good job during the storm.

COUNCILMAN LIANG reported that meetings will be scheduled within the next few weeks with the Beautification, Historical and Economic Development Committees.

COUNCIL PRESIDENT FAVARO commended the DPW Department on the great job they are doing with snow clean up. He requests that all residents keep their cars off the streets so the DPW can properly remove the snow on the streets. The stripes on streets are a brine mixture that helps to melt the snow more rapidly.

CO UNCILWOMAN OH reported that the Budget prep worksheets have been given to the Department Heads and the first work session is scheduled for tomorrow, February 12th. The Councilwoman would like the Budget to be introduced at the March 12th Mayor & Council meeting.

COUNCILMAN CONSALVO questioned the change and new appointment to be made by made by the Council. The Councilman felt everyone was working in harmony and questioned the change in the membership.

The Mayor emphasized that the Board of Health is autonomous. They choose the additional membership and as for alternates, they need to introduce an ordinance.

COUNCILMAN AVERSA reported that he is working on the Recreation budget and will meet with the Police Chief to go his budget. The Community Building is almost complete. The Recreation Committee will meet next week with Councilman Liang.

DPW SUPERINTENDENT NEVILLE due to numerous storms, garbage pickup has been disrupted. The Department is on top of the storms and doing a wonderful job. There has been about two feet of snow to date. No accidents or injuries have been reported. Any sanitations concerns, residents should call DPW.

BOROUGH ENGINEER MIRANDI reported that the Pershing Pond Restoration is on hold until the spring and the Riverside Co-Op is finished. The 2013 Road Program was finished on-time and before winter. Mr. Mirandi has submitted a design proposal for the emergency generators. The local aid application for Sage Road has been submitted and the award will be announced in March or April.

POLICE CHIEF CIOFFI reported that resident cars that are not moved off the street during a snowstorm will be given a summons after 2 warnings, most residents are cooperative. Super Bowl went well, the Deputy Chief was assigned to the event. Twelve hours were spent however; the overtime will be reimbursed by the Prosecutor's office. The accreditation process will begin on March 1st.

The Mayor thanked the Police, Fire and DPW Departments for their good work during the snowstorms.

BOND COUNSEL WILLIAM MAYER spoke about the notes that are coming due on March 21st. Resolution 49 "Authorize Issue of General Obligation Bonds and Authorize Sale of \$9,885,000" is on the agenda for approval tonight. The plan is for the bonds to take out the majority of the notes.

Councilman Ferro questioned the rate set by competitive bids and asked about short notes.

Mr. Mayer, Mr. Mayer clarified that the rate could be about 3%. We may get approximately 6 competitive bids which are all done on line. There is approximately \$10,347,000 in outstanding notes. If Resolution 49 is adopted, then no further ordinances will be unfunded and outstanding notes will be under 2 million.

Councilman Consalvo asked Mr. Mayer if he has monitored any other bonds for up to 20 years.

Mr. Mayer said the rates have been favorable. He is optimistic that there will only be 3% interest rate. Englewood Cliffs has a good historic record and the financials are solid.

BOROUGH ATTORNEY reported that he is working on the police contract and final approval was received from the PBA for 5 years. The three significant items in the contract are no bank time for the future, the starting salary will remain the same with 2 percent raise per year and the position of Deputy Chief will be abolished, when it becomes vacant.

The Mayor asked Carter Corriston to send a copy of the police contract to the Council and Finance Department as soon as possible. Mr. Corriston stated he would send it first thing tomorrow morning.

BOROUGH CLERK DUFFY - Nothing to report.

On a motion by Council President Favaro, seconded by Councilman Aversa, Resolution 14-42 was removed and Resolution 14-53 was added.

ROLL CALL:

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

Resolution 14-53 was adopted.

RESOLUTION 14-53

WHEREAS, Karjen L.L.C. is the owner and taxpayer of property located at 474 Sylvan Avenue in the Borough of Englewood Cliffs, at Block 510, Lot 4; and

WHEREAS, taxpayer has filed 2012 and 2013 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 Karjen L.L.C. vs. Englewood Cliffs;
and be it further

RESOLVED that for tax year 2012, the assessment of 2,741,800 will be reduced to \$2,000,000, and for tax year 2013, the assessment of \$2,741,800 will be reduced to \$1,750,000; and for tax year 2014, the assessment will be changed to \$1,600,000, resulting in a total refund, inclusive of all years, of \$14,539; and be it further

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

Councilwoman Oh recused from Resolution 38 and left the podium.

On a motion by Council President Favaro, seconded by Councilman Aversa, Resolution 38 was adopted.

ROLL CALL:

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

Councilwoman Oh returned to the podium.

RESOLUTION 14-38

WHEREAS, Joanne and Kang Suk Lee are the owners of certain property located in the Borough of Englewood Cliffs, at Block 1009, Lot 22, also known as 25 Geraldine Court; and

WHEREAS, taxpayers have filed a 2013 real property tax appeal, which matter is presently pending in the Tax Court of New Jersey; and

WHEREAS, it is the opinion of the Tax Assessor and Tax Appeal Attorney that the settlement of this matter 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 Joanne and Kang Suk Lee vs. Englewood Cliffs; and be it further

RESOLVED that, for tax year 2013, the assessment of \$1,395,800 will be reduced to a total of \$1,254,000, resulting in a refund of \$1,203.88; and be it further

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

Mayor Parisi recused from Resolution 47 and left the podium.

Council President Favaro presided for Resolution 47.

On a motion by Council President Favaro, seconded by Councilman Aversa, Resolution 47 was adopted.

ROLL CALL:

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

RECUSE: Mayor Parisi

The Mayor returned to the podium.

RESOLUTION 14-47

WHEREAS, Kamson Corp. is the owner and taxpayer of property located at 301 Sylvan Avenue in the Borough of Englewood Cliffs, at Block 207, Lot 7; and

WHEREAS, taxpayer has filed 2010, 2011, 2012 and 2013 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 Kamson Corp. vs. Englewood Cliffs; and be it further

RESOLVED that for tax year 2010, the complaint will be withdrawn, and the assessment of \$6,037,400 will remain intact; for tax years 2011 through 2013, the assessment of \$6,037,400 will be reduced to \$5,800,000, resulting in a total refund, inclusive of all years, of \$5,858; and be it further

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

The Borough Clerk read the following Resolutions:

- **RESOLUTIONS 2014:**

- ***Consent Agenda***

- 37 – No Passing Zone on 9W

- 38 – Tax Appeal, 25 Geraldine Court

- 39 – Hire Assistant to the Construction Code Official– Lisa Sereno

- 40 – Retain Joseph P. Novelli, ASA, as Cost Estimator on 900 Sylvan Tax Appeal

- 41 – Award Tree Pruning Contract and Authorize the Mayor to Sign

- ~~42 – Retain McNerney & Associates for Tax Appraisal on 474 Sylvan Avenue Tax Appeal~~

- 43 – Hire Public Works Laborer – Joe DeChristafaro

- 44 – Hire Public Works Laborer – Walter Fricke

- 45 – United Water Approval of Extension on Demarest

- 46 – Bergen County Law Enforcement Mutual Aid

- 47 – Tax Appeal, 301 Sylvan Avenue

- 48 – Hire Electrical Sub Code Official - Frank Di Mitri

- 49 – Authorize the Issue of General obligation Bonds and Authorize Sale of \$9,885,000.

- 50 – Tonnage Grant Application

- 51– Tax Reimbursement Certification

- 52– Retain Services for Municipal Planner - Phillips Preiss Grygiel, LLC

- 53– Tax Appeal, 474 Sylvan (added at meeting)

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

On a motion by Council President Favaro and seconded by Councilwoman Oh , Resolutions 37, 39-41, 43-46, 48, 50-52 were offered for adoption by Consent Agenda.

ROLL CALL:

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

On a motion by Council President Favaro, seconded by Councilwoman Oh, Resolution 49 was removed from Consent Agenda.

ROLL CALL:

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

RESOLUTION 14-37

RE: NO PASSING ZONE ON ROUTE 9W

WHEREAS, The New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 9W in Englewood Cliffs; and

WHEREAS, NJDOT investigation revealed the current centerline pavement markings on Route 9W meet and conform to current design standards; and

WHEREAS, NJDOT will update existing records to reflect current No Passing Zone conditions along (US) (NJ) Route 9W;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs, County of Bergen, in the State of New Jersey, that it supports the use of a “No Passing Zone” on Route 9W in Englewood Cliffs as recommended by NJDOT.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs that a certified copy of this Resolution shall be forwarded to NJDOT as requested.

RESOLUTION 14-39

BE IT RESOLVED that Lisa Sereno is hereby hired as a part-time employee at an hourly rate of \$18.00 per hour with the title of Assistant to the Construction Code Official. Employment is conditional upon background check and six (6) month probationary period.

RESOLUTION 14-40

WHEREAS, the Borough is desirous of obtaining the services of a cost and depreciation estimator in defending a tax appeal matter entitled “General Electric Capital Corp. vs. Englewood Cliffs” located at Block 1201, Lot 8, with an address of 900 Sylvan Avenue; and

WHEREAS, Joseph P. Novelli, ASA, has submitted a proposal in the amount of \$20,000 excluding expenses; and

WHEREAS, the Borough has deemed that Joseph P. Novelli, ASA, is qualified to provide cost estimation services for the Borough in defense of this matter; and

WHEREAS, the retention of Joseph P. Novelli, ASA, is in the best interests of the Borough;

NOW, THEREFORE, be it

RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs that Joseph P. Novelli, ASA, is hereby retained as cost estimator, in order to provide cost estimation and depreciation services in connection with pending real property Tax Court appeal entitled “General Electric Capital Corp. vs. Englewood Cliffs”; and

BE IT FURTHER RESOLVED that the retention of Mr. Novelli is one for professional services, for which no public bidding or solicitation is required; and

BE IT FURTHER RESOLVED that the Borough Attorney shall prepare an appropriate contract and the Mayor is hereby authorized to execute such contract; and

BE IT FURTHER RESOLVED that Joseph P. Novelli, ASA shall be compensated for its cost estimation services, in accordance with his proposal, attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has or will certify the existence of current funds which are necessary for the payment to the cost estimator for the services to be rendered; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to maintain a copy of this Resolution and a copy of the contract with Joseph P. Novelli, ASA, in her offices, for public inspection.

RESOLUTION 14-41

RE: AWARD BID – 2014 Tree pruning and removal for the Shade Tree Commission of the Borough of Englewood Cliffs

WHEREAS, the Borough of Englewood Cliffs has received four (4) bids for the 2014 Tree pruning and removal for the Shade Tree Commission of the Borough of Englewood Cliffs; and

WHEREAS, the Public Notice to Bidders was properly published in The Record on January 18, 2014 ; and

WHEREAS, the bids have been reviewed by the Shade Tree Commission of the Borough of Englewood Cliffs 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, Reliable Tree Service, Inc., has provided the lowest total cost in the amount of \$150.00 per crew hour; and

WHEREAS, it is the recommendation of the Shade Tree Commission and the Municipal Attorney that the contract be awarded to Reliable Tree Services, Inc., located at 547 St. Paul Avenue, Cliffside Park, New Jersey for the price of 150.00 per crew hour.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council does hereby award the contract for the for 2014 Tree pruning and removal for the Shade Tree Commission of the Borough of Englewood Cliffs, Reliable Tree Services, Inc., located at 547 St. Paul Avenue, Cliffside Park, New Jersey for the price of 150.00 per crew hour 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 lowest bidder's papers be retained until such time as the agreement is signed.

RESOLUTION 14-43

A RESOLUTION TO HIRE PUBLIC WORKS EMPLOYEE

WHEREAS, There is a need for an employee in the Public Works Department; and,

WHEREAS, **Mark Neville**, Public Works Superintendent, has interviewed applicants and has made a recommendation to hire an employee with a New Jersey CDL License and building/masonry experience; and,

NOW, THEREFORE, BE IT RESOLVED, that Joe DeChristafaro, the possessor of a NJ CDL license, is hereby hired as a Driver/Laborer in the Public Works Department on a full-time basis at a starting salary of \$22,500.

Employment is conditional upon background check and six (6) month probationary period.

RESOLUTION 14-44

A RESOLUTION TO HIRE PUBLIC WORKS EMPLOYEE

WHEREAS, There is a need for an employee in the Public Works Department; and,

WHEREAS, **Mark Neville**, Public Works Superintendent, has interviewed applicants and has made a recommendation to hire an employee with a required New Jersey State CDL License and grounds maintenance experience; and,

NOW, THEREFORE, BE IT RESOLVED, that Walter Fricke, III, the possessor of a NJ CDL license, is hereby hired as a Driver/Laborer in the Public Works Department on a full-time basis at a starting salary of \$22,500.

Employment is conditional upon background check and six (6) month probationary period.

RESOLUTION 14-45

RE: Extension No. X-37044

Invest No. 53637

Installing 60' of 6" D.I. Pipe in Demarest Avenue

WHEREAS, Yoon Choi has presented to United Water New Jersey an application for an extension to its distributing system running as described and consisting of installing 60 feet of 6 inch Ductile Iron Pipe at Demarest Place, Englewood Cliffs, New Jersey.

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 14-46

RESOLUTION APPROVING THE BERGEN COUNTY MUTUAL AGREEMENT

WHEREAS, the police departments in Bergen County have a day to day responsibility to provide for the security of lives and property, for the maintenance and preservation of the public peace and order; and

WHEREAS, Law Enforcement Officials also have a responsibility to provide for preparedness against natural emergencies, such as floods, hurricanes, earthquakes, major storms, etc., man-made causes, civil unrest, and civil disobedience such as riot, strikes, jail or prison riots, train wrecks, aircraft crashes, major fires, ethnic disorders, riots, terrorist incidents and bombings, state and national emergencies; and

WHEREAS, the Bergen County Police Chief's Association has proposed a Mutual Aid Plan and Rapid Deployment Force to deal with these emergencies; and

WHEREAS, this Plan is adopted in accordance with the provisions of N.J.S.A. 40A:14-156, N.J.S.A. 40A:14-156.1, N.J.S.A. 40A:14-156.4 and N.J.S.A. App. A:9-40.6; and

WHEREAS, this Plan will provide a uniform procedure for the coordination of the requesting, dispatching, and utilization of law enforcement personnel and equipment whenever a local law enforcement agency requires mutual aid assistance from any other jurisdiction, both contiguous and non-contiguous, in the event of an emergency, riot or disorder, in order to protect life and property; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Englewood Cliffs to participate in a Mutual Aid Plan and Rapid Deployment Force in accordance with the Plan as submitted by the Bergen County Police Chief's Association.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs that the Police Department of the Borough of Englewood Cliffs, under the direction of the Chief of Police, cooperate with the Bergen County Police Chief's Association to create an Interlocal Services Agreement with all municipalities in the County of Bergen in order to put into place the Mutual Aid Plan and Rapid Deployment Force, and

BE IT FURTHER RESOLVED that a copy of the Resolution be forwarded to the County Executive, the Board of Chosen Freeholders, the County Prosecutor, and all municipalities in the County of Bergen.

RESOLUTION 14-48

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

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

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

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

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

The Borough Electrical Sub-Code Official for a period of four (4) years (2014, 2015, 2016, 2017), is hereby designated as Frank Di Mitri, 38-22 Van Duren Avenue, Fair Lawn, NJ 07410. The License Number for the electrical sub-code official is #008386. The compensation for said position shall be \$10,000.00;

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

RESOLUTION 14-50

RE: TONNAGE GRANT APPLICATION RESOLUTION

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the 2013 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council of the Borough of Englewood Cliffs to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs that Englewood Cliffs hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Mark Neville as recycling coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Resolution 14-51

TAX REIMBURSEMENT CERTIFICATION

WHEREAS, The Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW THEREFORE BE IT RESOLVED by the Borough of Englewood Cliffs that Englewood Cliffs hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2013 in the amount of \$ 6,416.29. Documentation supporting this submission is available at 482 Hudson Terrace, Englewood Cliffs, NJ and shall be maintained for no less than five years from this date.

RESOLUTION 14-52

WHEREAS, the Mayor and Council of the Borough of Englewood Cliffs previously passed Resolution No. 2013-137 authorizing the retaining of the planning services of Phillips Preiss Grygiel, LLC to assist both the Planning Board and in its continuing review of the Master Plan and Zoning Ordinance related specifically to the B-2A Limited Business Overlay Zone, and in the litigation under the direction of the Borough Attorney at the cost of same not to exceed \$10,000.00; and

WHEREAS, there is a need to further retain said firm in regard to the litigation support and continued review of the Master Plan and possible amendment.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby appropriates a sum, not to exceed \$20,000.00 in addition in regard to same.

ORDINANCE PUBLIC HEARING
ORDINANCE NO. 2014-01

On a motion by Councilwoman Oh, seconded by Council President Favaro and carried, the public hearing was opened for Ordinance 14-01 entitled **“AN ORDINANCE AMENDING CHAPTER XV ENTITLED “LAND SUBDIVISION” SPECIFICALLY SECTION 15-7.3 ENTITLED “REQUIREMENTS FOR BUILDING PERMIT IN NEIGHBORHOOD OR LIMITED BUSINESS ZONE” 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 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 14-01 was adopted.

ROLL CALL:

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

ORDINANCE NO. 14-01

AN ORDINANCE AMENDING CHAPTER XV ENTITLED “LAND SUBDIVISION”, SPECIFICALLY SECTION 15-7.3 ENTITLED “REQUIREMENTS FOR BUILDING PERMIT IN NEIGHBORHOOD OR LIMITED BUSINESS ZONE” 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 XV entitled “Land Subdivision”, specifically Section 15-7.3 entitled “Requirements For Building Permit in Neighborhood or Limited Business Zone” be amended to read as follows: Section 15-7.3 Requirements for Building Permit in Neighborhood or Limited Business Zone.

Before a building permit is granted on any parcel or plat in the neighborhood and/or limited business zone as shown on the Zoning Ordinance of the Borough of Englewood Cliffs, the following conditions must be met:

a.1- Curbs facing the entire frontage of the property involved shall be installed under the supervision of the Borough Engineer or the Superintendent of Public Works.

a.2 - In the event that a house has been demolished or the property is unimproved, then in that event the building permit shall require that an entirely new curb be installed facing the entire frontage and/or side yards of the property, if the property is located on a corner, which shall be installed under the supervision of the Borough Engineer or Superintendent of Public Works. The curb shall be comprised of concrete only and not blocks.

a.3 - Specifications for curbs can be obtained at the Building Department.

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.

**ORDINANCE PUBLIC HEARING
ORDINANCE 2014-02**

On a motion by Council President Favaro, seconded by Councilwoman Oh and carried,

the public hearing was opened for Ordinance 14-02 entitled “AN ORDINANCE AMENDING CHAPTER XXX ENTITLED “ZONING”, SPECIFICALLY SECTION 30-7.1 ENTITLED “PROHIBITED USES” 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 Councilwoman Oh. So ordered.

ALL IN FAVOR:

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

On a motion by Council President Favaro, seconded by Councilwoman Oh, Ordinance 14-02 was adopted.

ROLL CALL:

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

ORDINANCE PUBLIC HEARING

ORDINANCE NO. 14-02

AN ORDINANCE AMENDING CHAPTER XXX ENTITLED “ZONING ”, SPECIFICALLY SECTION 30-7.1 ENTITLED “PROHIBITED USES” 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 XXX entitled “Zoning,” specifically Section 30-7.1 entitled “Prohibited Uses”, be amended to read as follows:

Section 30-7.1 Prohibited Uses.

l. 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.

m. Violations and Penalties - any person who shall violate any of the provisions of this chapter or may be promulgated hereunder shall, upon conviction, be punished by a fine not to exceed one thousand (\$1,000.00) dollars, or by imprisonment in the county jail for a period not to exceed 90 days or by both such fine and imprisonment, and each violation of any of the

provisions of this chapter and each day that such violation shall continue shall be deemed to be a separate and distinct offense.

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.

ORDINANCE PUBLIC HEARING
ORDINANCE 2014-03

On a motion by Council President Favaro, seconded by Councilman Aversa and carried, the public hearing was opened for Ordinance 14-03 entitled **“AN ORDINANCE AMENDING, CHAPTER II, ENTITLED “ADMINISTRATION”, SPECIFICALLY SECTION 2-7.1 ENTITLED “CREATION” OF THE BOROUGH OF ENGLEWOOD CLIFFS, COUNTY OF BERGEN, STATE OF NEW JERSEY”**

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 Aversa Oh. So ordered.

ALL IN FAVOR:

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

On a motion by Council President Favaro, seconded by Councilman Consalvo, Ordinance 14-03 was adopted.

ROLL CALL:

AYES: Favaro, Oh, Aversa

NAYS: Liang, Ferro, Consalvo

The vote resulted in a tie. Mayor Parisi cast the tie breaking vote in favor, resulting in a final vote in the affirmative.

ORDINANCE PUBLIC HEARING

ORDINANCE NO. 14-03

AN ORDINANCE AMENDING, CHAPTER II, ENTITLED “ADMINISTRATION”, SPECIFICALLY SECTION 2-7.1 ENTITLED “CREATION” 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 that Chapter II, Entitled “Administration” specifically Section 2-7.1 entitled “Creation” be amended to read as follows:

Section 2-7.1 **Creation** There shall be a local Board of Health of the Borough of Englewood Cliffs which shall consist of seven (7) members who shall be residents of the borough and legal voters within 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.

MAYOR PARISI STATED:

“IF THERE WAS ANY UNFINISHED BUSINESS AT THIS TIME

UNFINISHED / NEW BUSINESS:

The Mayor reminded everyone that there will be a Budget Prep Meeting, tomorrow, February 12th, 6PM at the Borough Hall. He said to stay safe and call the Police Department for any emergencies.

The Mayor wished everyone a nice night and thank you.

Seeing and Hearing none, the meeting was adjourned at 9:10 PM.

Respectfully submitted by Lisette M. Duffy, Borough Clerk.

ATTEST:

Lisette M. Duffy, Borough Clerk