



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

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL

DATE: November 13, 2013

CALL TO ORDER: 8:00 P.M.

PRESENT AT ROLL CALL:

Mayor	Joseph C. Parisi, Jr.
Councilman	Ramon Ferro
Council President	Joe Favaro
Councilwoman	Gloria Oh
Councilwoman	Melanie Simon
Councilman	Ed Aversa

ALSO PRESENT:

Borough Attorney	E. Carter Corrison
Borough Engineer	Bernie Mirandi
Chief of Police	Michael Cioffi
Municipal Clerk	Lisette M. Duffy

ABSENT:

Councilwoman	Nora Jobson
Superintendent DPW	Mark Neville

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.

MINUTES: Caucus & Regular Minutes of October 9, 2013.

Councilman Ferro explained that he wants to make a motion to amend the Regular Minutes of October 9, 2013 subject to listening to the tape to add Councilman Aversa's name to the public portion.

Carter Corrison explained that a motion should be made to table the minutes until the next Mayor and Council meeting.

A motion to table the Regular Minutes of October 9, 2013 until the next Mayor and Council meeting was made by Councilman Ferro. There was no second motion.

On a motion by Councilwoman Simon, seconded by Councilwoman Oh, the Minutes for October 2013 were approved.

ROLL CALL:

AYES: Councilpersons Favaro, Oh, Simon, Aversa

NAYS: Councilperson Ferro

DEPARTMENT HEAD REPORTS for October 2013 and Fire Report for September 2013

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

On a motion by Council President Favaro, seconded by Councilwoman Simon, and carried unanimously, the Department Head Reports for October 2013, were approved.

ALL IN FAVOR:

AYES: Councilpersons Ferro, Favaro, Oh, Simon, Aversa

CLAIMS FOR THE PERIOD: October 10, 2013 through November 13, 2013.

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

ROLL CALL:

AYES: Councilpersons Ferro, Favaro, Oh, Simon, 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 Councilwoman Simon and carried unanimously, the meeting was opened to the public.

The following from the public spoke:

Lauren Eastwood, 4 Willow Drive, Englewood Cliffs, NJ 07632, questioned the advertising for RFP/RFQ's for professional services. This year the notice was advertised one month earlier than previous years. The resident also question who authorized the Clerk to advertise.

The Mayor asked the Clerk to clarify. At last month's Council meeting, the Council approved Ms. Duffy's request to advertise for RFP/RFQ's one month earlier than previous years. This is in compliance with the state statute of a 20 day turnaround time and more than 20 days were allotted. It was placed on the town website and a public notice was placed in the newspaper. A change in the date caused the computer to drop the request off the website but was quickly corrected upon notice by Councilman Ferro.

Ms. Eastwood stated that her comments regarding the tax appeal ownership issue regarding Councilman Aversa were not included in the October 9th meeting minutes.

Mary O'Shea, 12 Irving Ave, Englewood Cliffs, NJ 07632 asked if the fire sirens could have been re-located away from the residences and closer to Hudson Terrace.

The Borough attorney clarified the new location of the fire sirens as to the distance to the residents is still the same. The new location on Middlesex is the closest place to 9W without interfering with other telephone poles and gas lines. The Mayor also added that the location was agreed upon in the lawsuit.

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

The Borough Clerk read the following Resolutions:

RESOLUTIONS 2013:

Consent Agenda

141 - Accept Donation for the Police Department

142 - Location of the Emergency Outdoor Voice & Siren Mass Notification System

The Mayor stated that Resolution 13-142 was amended. In the third paragraph, south was changed to west.

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 Simon, Resolutions 141 and 142 were placed on Consent Agenda.

ALL IN FAVOR

AYES: Councilpersons Ferro, Favaro, Oh, Simon, Aversa

Councilman Ferro stated that he feels there should have been a meeting to discuss the changes on Resolution 13-142.

The Mayor stated that the change of location for the fire sirens is a six feet difference and the public has been notified at this meeting.

On a motion by Council President Favaro and seconded by Councilwoman Simon, Resolutions 141 and 142 were offered for adoption by Consent Agenda.

ROLL CALL:

AYES: Councilpersons Ferro, Favaro, Oh, Simon, Aversa

NAYS: Councilperson Ferro – Resolution 142, Councilperson Aversa – Resolution 142

RESOLUTION 13-141

RESOLUTION ACCEPTING DONATION FOR THE POLICE DEPARTMENT

WHEREAS, the below listed person(s) are residents or friends of the Borough of Englewood Cliffs; and

WHEREAS, these person(s) have 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) have 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 resident(s) and friends of Englewood Cliffs and appreciate their generosity;

Elias Sayour Foundation 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 donation(s) for use in Borough's Police Department.

RESOLUTION 13-142

WHEREAS, an Agreement was entered into pursuant to Resolution No. 13-61 in regard to the location of the Emergency Outdoor Voice & Siren Mass Notification System; and

WHEREAS, pursuant to said Agreement it was agreed that under no condition would it be placed no closer to Misk's home than 630 feet from the new Johnson site, and/or within 250 feet of the Japanese school on Bayview Avenue; and

WHEREAS, the initial location of the siren previously at Bayview Avenue was to be on Van Nostrand Avenue, 30 feet west of Sylvan Avenue; and

WHEREAS, the signal device cannot be located at said site on Van Nostrand Avenue; and

WHEREAS, the system shall, therefore, be relocated on the northerly side of Middlesex Avenue, 36 feet west of Sylvan Avenue, which is a site further from the Japanese School on Bayview Avenue

NOW THEREFORE, BE IT RESOLVED that the change of location of said site is hereby approved by the Mayor and Council; and

IT IS FURTHER RESOLVED that a copy of said Resolution be sent to Bruce H. Dickstein, Esq., and Gerard N. Misk .

COMMITTEE REPORTS

COUNCILMAN FERRO reported that there will be garbage pick-up on the Friday after Thanksgiving for the entire town. Waste Management will notify the residents by mail and we the Borough will do a reverse 911 as well as a notice on the electronic board and website. The Councilman asked how is correspondence distributed to the Mayor and Council.

The Mayor stated that mail is distributed according to how it is addressed and its significance. Lawsuits addressed to the Mayor and Council are given to Borough Attorney first.

The Clerk stated that any mail that requires a vote for a meeting; she converts to a PDF and emails the Mayor and Council. For miscellaneous correspondence, the Municipal Assistant makes a copy for each person and places in their borough mailboxes. Recently there was an oversight regarding a letter from the Historical Society which Councilman Ferro did not receive and he was promptly given a copy.

Councilwoman Oh stated that Councilman Ferro could have spoken to the Municipal Clerk in her office and not at this meeting regarding mail distribution.

The Mayor stated Councilpersons can discuss any matter at the meeting. Councilman Ferro agreed with the Mayor that the Borough Administrator's office is always helpful and accommodating.

COUNCIL PRESIDENT FAVARO – No report

COUNCILWOMAN OH reported that all is well with the Finance Committee.

COUNCILWOMAN SIMON – No report

COUNCILMAN AVERSA reported that police negotiations are ongoing. There have been some soccer complaints that there is not enough time for field usage which is due to daylight savings time change. We may consider taking basketball to Fort Lee. Ambulance building renovations are moving forward with no tax dollars being spent and should be completed by the end of the year. Our winter programs, fencing, ceramics, and Zumba are still being looked into. The Golf program has been moved to the spring due to lack of participation.

BOSWELL ENGINEER MIRANDI reported that we have been in contact with the Bergen County Mosquito Control and the Pershing Pond project should begin within the next few weeks. The 2013 Road Program has begun and continues to move according to schedule. The infrastructure repairs are done, milling begins tomorrow and paving to begin next week. We are reviewing the equipment certifications for the traffic signal at the intersection of Sylvan and Palisade Avenues. Upon completion, they will be submitted to the DOT.

POLICE CHIEF CIOFFI reported that a presentation was given to the seniors and the Junior Police Academy graduation was a success. Old vehicles were auctioned; the borough raised \$10,200. Our police force SWAT responded to the recent Bergen Plaza shooting.

The Mayor thanked the Chief for the prompt response time of our police force to the Bergen Plaza shooting.

BOROUGH ATTORNEY reported that there is no new litigation this month. The sirens will move forward now that the resolution has been approved. He asked Police Chief Cioffi to clarify the siren move.

Police Chief Cioffi responded that the siren company, Tactical Communications, had to also hire an electric company who has to go through PSEG. PSE&G has to dig in the ground and make sure the ground is clear of all gas lines. A 6 inch gas line, shaped like a snake, was found which went through all the areas that we could possibly place the pole on Van Nostrand. One block down on Middlesex, the gas line is in the street and the right of way is ours. In all fairness, we want to stay within the same distance. The pole is 36 feet from 9W.

Carter Corriston stated that the only thing the law requires is that the fire siren be located a minimum of 250 feet from a school which was also agreed upon in the lawsuit. The legal settlement was approved by the Council.

BOROUGH CLERK DUFFY – No report

THE MAYOR ASKED IF THERE WAS ANY UNFINISHED OR NEW BUSINESS.

Councilman Ferro asked for an extension of a few days for the RFP/ RFQ deadline since it dropped off the website for approximately two days from a computer glitch.

Lisette Duffy stated that the current deadline for RFP/RFQ's is November 26th and a public notice was published in the newspaper according to state statute. The reason she advertised earlier was so she could get them back in late November so the Council would have more time to review in December. The Clerk pointed out that Councilman Ferro complained at last year's Re-Organization Meeting that there was not enough time to review the RFP/RFQs which were received in late December.

The Mayor stated that Englewood Cliffs is a fair and open town and we are required to do RFP/RFQs for our professionals. The Clerk has to review all the RFP/RFQ information for completeness and then present to the Council for their review and approval.

There was some confusion by some Council members as to the reason Councilman Ferro wanted to extend the deadline and a lengthy discussion followed.

Carter Corrison stated that most professionals have a procedure to follow for RFP/RFQs and are aware that November is the time to apply. That is what they do.

Councilwoman Oh agreed with Carter Corrison that the professionals know that November is the time for RFP/RFQs.

Council President Favaro commented that it is not necessary to spend the extra money to re-advertise. The professionals are very prepared and aware of what they are doing.

Councilman Aversa wanted to know the purpose of the extension.

Councilman Ferro responded that the reason is to give the professionals more time to reply since it was dropped off the website for approximately two days:

A motion was made by Council President Favaro, seconded by Councilman Aversa, to open to the public for discussion.

ALL IN FAVOR:

AYES: Councilpersons Ferro, Favaro, Oh, Simon, Aversa

The following from the public spoke:

Steve Rubinsky, 325 Riverviews Lane, Edgewater, NJ, asked if the law states that RFP/RFQ's must be advertised on the internet.

Lisette Duffy clarified that RFP/ RFQ's must be advertised in a newspaper that is published within the municipality and does not have to be made available on the internet.

Carol McMorrow, 7 Ridge Road, Englewood Cliffs, NJ, clarified to Councilman Aversa that last year and the previous years, it has been 30 days. She noticed that the advertisement appeared three times in the newspaper and questioned the Clerk.

Lisette Duffy responded that the newspaper made a mistake by putting 2013 and then re-published it for free.

On a motion by Council President Favaro, seconded by Councilwoman Oh, public discussion was closed.

ALL IN FAVOR

AYES: Councilpersons Ferro, Favaro, Oh, Simon, Aversa

A motion was made by Councilman Ferro, seconded by Councilwoman Simon, to extend RFP/RFQ deadline by 5 days after November 26th with an additional cost of \$200.00 to the Borough for re-advertisement.

ROLL CALL:

AYES: Councilperson Ferro

NAYS: Councilpersons Favaro, Oh, Simon, Aversa

The motion did not pass.

FIRST HEARING AND INTRODUCTION – ORDINANCES

Ordinance 13-13 – AN ORDINANCE AMENDING, CHAPTER VII, ENTITLED “TRAFFIC”, SPECIFICALLY SECTION 7-3.3

On a motion by Councilwoman Oh seconded by Councilwoman Simon and carried unanimously, the public hearing was opened relative to Ordinance 13-13 entitled “AN ORDINANCE AMENDING, CHAPTER VII, ENTITLED “TRAFFIC”, SPECIFICALLY SECTION 7-3.3” was introduced and passed on the first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this was scheduled for December 11, 2013.

ROLL CALL:

AYES: Councilpersons Ferro, Favaro, Oh, Simon, Aversa

Ordinance 13-14 - AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER VI, ENTITLED, "ALCOHOLIC BEVERAGE CONTROL", SPECIFICALLY SECTION 6-5.3 ENTITLED “VIOLATIONS AND PENALTIES FOR PERSONS UNDER LEGAL AGE TO PURCHASE, POSSESS OR CONSUME ALCOHOLIC BEVERAGES” OF THE GENERAL ORDINANCES AND REVISED CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS.

On a motion by Councilwoman Simon seconded by councilwoman Oh and carried unanimously, the public hearing was opened relative to Ordinance 13-14 entitled “AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER VI, ENTITLED, "ALCOHOLIC BEVERAGE CONTROL", SPECIFICALLY SECTION 6-5.3 ENTITLED “VIOLATIONS AND PENALTIES FOR PERSONS UNDER LEGAL AGE TO PURCHASE, POSSESS OR CONSUME ALCOHOLIC BEVERAGES” OF THE GENERAL ORDINANCES AND REVISED CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS” was introduced and passed on the first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this was scheduled for December 11, 2013.

ROLL CALL:

AYES: Councilpersons Ferro, Favaro, Oh, Simon, Aversa

MAYOR PARISI STATED:

“IF THERE WAS ANY UNFINISHED BUSINESS AT THIS TIME

UNFINISHED / NEW BUSINESS:

The Mayor wished everyone a Happy and healthy Thanksgiving and Chanukah.

Mary O’Shea asked for a moment of silence for the victims of the Philippines typhoon.

Seeing and Hearing none, the meeting was adjourned at 9:55 pm.

Respectfully submitted by Lisette M. Duffy, Acting Municipal Clerk, Administrator

ATTEST:



Lisette M. Duffy, Acting Municipal Clerk

APPROVED:



Joseph C. Parisi, Jr. Mayor