



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

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL

DATE: December 11, 2013

CALL TO ORDER: 8:00 P.M.

PRESENT AT ROLL CALL:

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

ALSO PRESENT:

DPW Superintendent	Mark Neville (<i>arrived at 8:30 PM</i>)
Borough Attorney	E. Carter Corrison
Borough Engineer	Bernie Mirandi
Municipal Clerk	Lisette M. Duffy

ABSENT:

Chief of Police	Michael Cioffi
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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 November, 2013
Special Meeting November 25, 2013

On a motion by Council President Favaro, seconded by Councilwoman Oh, the Minutes for November 2013 were presented to the Council.

ALL IN FAVOR:

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

On a motion by Council President Favaro, seconded by Councilwoman Oh, the Minutes for November 2013 were approved.

ROLL CALL:

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

NAYS: Ferro on Regular Minutes November 13, 2013

ABSTAIN: Jobson on Caucus & Regular Minutes November 13, 2013

DEPARTMENT HEAD REPORTS for November 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 November 2013, were approved.

ALL IN FAVOR:

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

CORRESPONDENCE FROM THE FOLLOWING WAS READ AND ORDERED FILED:

Steven Muhlstock, Esq

On a motion by Council President Favaro, seconded by Councilwoman Simon, all correspondence was ordered filed.

ALL IN FAVOR:

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

CLAIMS FOR THE PERIOD: November 14, 2013 through December 11, 2013.

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

ROLL CALL:

AYES: Ferro, Jobson, 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 Simon, seconded by Council President Favaro and carried unanimously, the meeting was opened to the public.

ALL IN FAVOR:

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

The following from the public spoke:

Lauren Eastwood, 4 Willow Drive, Englewood Cliffs, NJ 07632, asked numerous questions about Resolution 149. Ms. Eastwood asked if the Clerk’s position had been advertised. The resident believes every position for the town should be advertised.

The Mayor clarified that the position does not need to be advertised. There was an Emergency Meeting held in 2012 to appoint Lisette Duffy as Acting Clerk because the former Clerk died. She is well qualified for the position.

The Borough Attorney clarified that Mrs. Duffy passed the state certification test and he approved the appointment. She has been the Acting Clerk since April 2012 and has done a wonderful job.

Miss Perin (minor) is collecting stuffed animals and baby blankets to donate to the Oasis, an organization in Paterson NJ for women and children living in poverty. Any donations can be dropped off at her home.

The Mayor applauded Miss Perin for her generous efforts to help those in need during this holiday season. Unfortunately the town cannot put charities on our website but will notify residents in other ways. He asked her to speak to the reporter who was present at the meeting.

Steve Rubinsky, 325 Riverviews Lane, Edgewater, NJ, remarked on Lauren Eastwood’s comments regarding the Municipal Clerk appointment. He suggests that there should be consistency over the years, in order to have harmony.

Carol McMorrow, 7 Ridge Road, Englewood Cliffs, NJ, asked Councilman Ferro why he voted no on the regular minutes of November 13, 2013.

Councilman Ferro stated that there is an inconsistency regarding the fire sirens location.

The Mayor stated that meeting minutes are an overview or outline, not a transcript. The facts are stated in the approved resolution.

Gail Ehrenberg, 51 John Street, Englewood Cliffs, NJ, wanted clarification for parking on John Street.

Jack Geyer, 34 Toni Drive, Englewood Cliffs, NJ, requested that DPW Superintendent, Mark Neville, review the no parking signs on Sherwood Ave and New Street between 9W and Hudson Terrace.

Tony Morfesis, 26 John Street, Englewood Cliffs, NJ, complained that commercial vehicles such as trailer trucks are parking on the streets creating one lane which can be a driving hazard.

The Mayor stated that the parking ordinance does not prohibit commercial vehicles from parking on the street and understands the resident's concern. He will look into the problem.

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

ALL IN FAVOR:

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

**APPOINTMENT: Appoint Lisette M. Duffy as Municipal Clerk as of 12/11/13 *Resolution 149*
Oath of Office**

On a motion by Council President Favaro, seconded by Councilwoman Simon and carried unanimously, Resolution 149 was open to the public for discussion.

ALL IN FAVOR:

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

Councilman Aversa wanted to know if anyone wanted to discuss Mrs. Duffy's appointment. He said that she has always been very helpful, highly qualified for the job, spends many additional hours working and is extremely efficient.

The Mayor asked Mrs. Duffy if she wanted to waive her rights so that anyone could speak about her performance. Mr. Duffy agreed to waive her rights.

The Mayor stated that this is an appointment made by him. She is highly qualified, has met all the requirements for the job, and has been cross-trained in all departments, including Finance, Building and Police. She was offered the Acting Clerk position in 2012 due to the death of the former Clerk and has done a wonderful job

Carter Corriston stated that when the Mayor makes an appointment, there should be no discussion. Council must vote yes or no.

ROLL CALL:

AYES: Jobson, Favaro, Oh, Simon, Aversa

NAYS: Ferro

The appointment was passed by the Council.

THE OATH OF OFFICE WAS ADMINISTERED BY THE MAYOR TO LISETTE M. DUFFY.

RESOLUTION 13-149

RE: APPOINTMENT OF MUNICIPAL CLERK

WHEREAS, a vacancy exists in the office of the Municipal Clerk; and

WHEREAS, Lisette Duffy has served in the position of Acting Municipal Clerk in the interim; and

WHEREAS, N.J.S.A. 40A:9-133 requires that a Registered Municipal Clerk be appointed as Municipal Clerk for a term of three (3) years; and

WHEREAS, Lisette Duffy, Acting Municipal Clerk, has attained the designation of Registered Municipal Clerk; and

WHEREAS, former Municipal Clerk and present Council President has recommended Lisette Duffy for the position of Municipal Clerk in the Borough of Englewood Cliffs, Bergen County, New Jersey;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Englewood Cliffs does hereby appoint Acting Clerk, Lisette Duffy to the position of Municipal Clerk for a term of three (3) years effective December 12, 2013.

COMMITTEE REPORTS

COUNCILMAN FERRO - No report

COUNCIL PRESIDENT FAVARO – No report

COUNCILWOMAN OH reported that she wants to start the review on budget planning for next year with department heads and council members.

The Mayor stated that there was a Department Head meeting held in the beginning of December to begin the financial planning process for next year.

COUNCILWOMAN SIMON – No report

COUNCILMAN AVERSA reported on the Recreation Department. The soccer award ceremony was well attended, over 250 were present. Largest turnout they have had. Basketball is starting earlier this year. The girls will play in Fort Lee and the boys in Englewood Cliffs .The Community Center renovations are going very well and should be completed soon. The Second Annual Tree lighting event was a success. He thanked Mr. Wysocki and Ms. Adrignola from Upper School for providing the band. He thanked the Fire and Police Departments for their assistance. The website has been well maintained by our Clerk at no additional cost to the town and is now available in a plethora of languages. Registration forms for all of the sports including basketball sign-ups are on the website and we will continue to add to it. Police contract negotiations are ongoing.

POLICE CHIEF CIOFFI (ABSENT) - Report was given by Councilman Aversa in Police Chief Cioffi's absence. Tasers are in service at no cost to the taxpayers. They have been purchased with confiscated funds. Councilman Aversa read a letter from Natural Resources Defense Council commending the excellent performance by our Police Department regarding the LG ground breaking ceremony .The protestors were treated with respect and courtesy and they thanked the police for a successful event without incident. The Borough Attorney will correct front & rear lawn parking ordinances. There was a bank robbery today at the PNC Bank on 9W, no one was hurt.

DPW SUPERINTENDENT NEVILLE apologized for being late. Leaf removal will be completed by this Friday. It was done in a timely fashion. Now it is snow and ice removal season and he asked everyone for their understanding and patience.

The Mayor said the DPW has done a wonderful job on leaf disposal and snow and ice removal in Englewood Cliffs as compared to other towns.

BOROUGH ENGINEER MIRANDI reported that we were able to pave all of the roads listed in the 2012 Road Program prior to Thanksgiving. We are currently working on infrastructure improvements at the DPW yard and the borough parking lot which will be weather dependent. We received a letter from the NJDOT authorizing the Local Aid Award. The inspection certification reports for the traffic signal were submitted to the NJDOT. We are waiting for the Bergen County Mosquito Control to begin the dredging of Pershing Pond which may be delayed due to weather conditions.

BOROUGH ATTORNEY reported that a meeting has been scheduled with Judge Meehan on January 30, 2014 for the ordinance case involving LG. Briefs for the variance approval appeal for LG will be scheduled at the end of February 2014 with the Appellate Court. Mr. Corrison will submit corrected lawn parking ordinances to the Council when completed.

BOROUGH CLERK DUFFY – No report

The Borough Clerk read the following Resolutions:

RESOLUTIONS 2013:

Consent Agenda

- 150 – Cancellation of 2013 Checks
- 151 - Authorize Mayor to Sign the Forestry Management Plan
- 152 - Tax Appeal - 111 Sylvan Avenue
- 153 - Liquor License # 0216-33-001-004 Transfer of Person-to-Person
- 154 - Temporary Appointment of an Electrical Sub-Code Inspector
- 155 - Authorize Mayor to Sign 2014 Employee Assistance Program with the County of Bergen
- 156 - Authorization to Cancel Balances to Surplus
- 157 - Authorization to Cancel Unexpended Balances
- 158 - Authorization to Transfer of Current Fund Appropriations

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 Councilwoman Simon and seconded by Council President Favaro, Resolutions 150 through 158 were offered for adoption by Consent Agenda.

ROLL CALL:

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

RESOLUTION 13-150

**TITLE: CANCEL CHECKS FROM BOROUGH OF ENGLEWOOD CLIFFS
CURRENT AND OTHER ACCOUNTS**

WHEREAS, stop payments or voids have been placed on checks in various accounts for 2013 in the amount of \$ 2,057.70; and

WHEREAS, every attempt has been made to clear these items;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs that these items be canceled.

CHECKS TO CANCEL 2012

	CHECK#		AMOUNT
<u>Bank of New Jersey</u>			
<u>(PAYROLL)</u>			
ACCT# 0102006415	62059		\$178.16
	62531		\$178.16
	62750		391.34
	62822		724.58
	62893		325.18
<u>Bank of New Jersey</u>			
<u>(CURRENT)</u>			
ACCT# 102006472	33269		\$60.00
<u>TRUST</u>			
ACCT# 010200643	1779		\$200.00
<u>Bank of America</u>			
<u>DEVELOPERS ESCROW</u>			
ACCT# 00099084100	1742		\$00.28
<u>TOTAL</u>			\$2,057.70

RESOLUTION 13-151

TITLE: AUTHORIZE MAYOR TO SIGN THE COMMUNITY FORESTRY MANAGEMENT PLAN

BE IT RESOLVED, that the Borough Council of the Borough of Englewood Cliffs does hereby authorize the Mayor and Municipal Clerk to sign an Agreement between the Borough of Englewood Cliffs and The New Jersey Forest Service.

RESOLUTION 13-152

WHEREAS, LG Electronics USA, Inc. and Citibank are the owners and/or taxpayers of property located at 111 Sylvan Avenue in the Borough of Englewood Cliffs, at Block 207, Lot 6; and

WHEREAS, taxpayers 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 the 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 LG Electronics USA, Inc. & Citibank vs. Englewood Cliffs; and be it further

RESOLVED that for tax year 2010, the assessment of \$90,000,000 will be reduced to \$62,000,000, resulting in a refund of \$222,600; and for tax years 2011, 2012 and 2013, the taxpayers have agreed to withdraw all appeals, thereby leaving the \$90,000,000 assessment intact for those three years; and be it further

RESOLVED that the Assessor has agreed to change the 2014 assessment to a total of \$55 million, the 2010 purchase price of the property; and be it further

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

RESOLUTION 2013-153

TITLE: TRANSFER OF PLENARY LICENSE #0216-33-001-004
PERSON-TO-PERSON

WHEREAS, an application has been filed for a Person-to-Person transfer of Plenary Retail Consumption License 0216-33-001-004, heretofore issued to 11K Restaurant Corporation for premises located at 495 Sylvan Avenue, Englewood Cliffs, N.J.; and

WHEREAS, the submitted application form is complete in all respects, the Sales Tax Clearance Certificate is included, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with license business;

NOW, THEREFORE BE IT RESOLVED that the Englewood Cliffs Governing Body does hereby approve, effective December 23, 2013 the transfer of the aforesaid Plenary Retail Consumption License to 495 Sylvan, Inc. and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to 495 Sylvan, Inc. effective December 23, 2013"

RESOLUTION 13-154

RE: TEMPORARY APPOINTMENT OF ELECTRICAL SUB-CODE OFFICIAL FOR 2013

WHEREAS, it is necessary for the Borough of Englewood Cliffs to engage the services of an Electrical Sub-Code Official, for the remainder of 2013, 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 the remainder of 2013, is hereby designated as Kenneth J. Riley, 36 Norman Place, Tenafly N.J. 07670. The License Number for the electrical sub-code official is # 007665. The salary compensation for said position shall be \$1,680.00 for the remainder of 2013.

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 13-155

RE: 2014 PROFESSIONAL SERVICES FOR EMPLOYEE ASSISTANCE PROGRAM

WHEREAS the Borough of Englewood Cliffs wishes to contract for the furnishing of Employee Assistance Program (EAP) shared health services of a technical and professional nature by the County of Bergen to the Borough of Englewood Cliffs pursuant to N.J.S.A. 26:3A 2-1 et. Seq:

WHEREAS, the Chief Financial Officer upon approval of the 2013 Budget will submit to the Municipal Clerk a certification that adequate funds are available to pay the contract;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that an Agreement for Public Health Services between the County of Bergen and the Borough of Englewood Cliffs for the term beginning January, 2014 and ending December, 2014 is currently on file in the office of the Municipal Clerk, be and is hereby approved for a total amount of \$855.00;

BE IN FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to execute the aforesaid Agreement following legal review.

RESOLUTION 13-156

AUTHORIZATION TO CANCEL BALANCES TO SURPLUS

WHEREAS, there are there are outstanding credit balances on the tax tolls prior to year 2011;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs in the County of Bergen and State of New Jersey cancel those balances to surplus.

RESOLUTION 13-157

AUTHORIZATION TO CANCEL UNEXPENDED BALANCES

WHEREAS, the following Current Fund budget appropriation balances remain unexpended; and

<u>Appropriation Name</u>	<u>Amount</u>
Redlight Camera	\$80,000

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to surplus;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs in the County of Bergen and State of New Jersey, the above listed unexpended balance(s) of the Current Fund be and are canceled.

RESOLUTION 13-158

AUTHORIZATION TO TRANSFER OF CURRENT FUND APPROPRIATIONS

BE IT RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs that the following transfers be made:

Current Budget Transfers					
Acct. #	From		Acct#	To	

ROLL CALL:

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

ORDINANCE PUBLIC HEARING

ORDINANCE NO. 2013-13

**AN ORDINANCE AMENDING, CHAPTER VII, ENTITLED "TRAFFIC",
SPECIFICALLY SECTION 7-3.3**

BE IT ORDAINED by the Mayor and Council of the Borough of Englewood Cliffs that Chapter VII, Entitled "Traffic Section 7-3.3 be amended to read as follows:

Section 7-3.3

Parking Prohibited at All Times on Certain Streets

Schedule I - No Parking, shall be amended as follows:

1. To prohibit parking on the east side of 3rd Street from the north end to Henry Street;
2. No parking shall be permitted on Irving Avenue from 9W west to a distance of 161 feet on the south side.
3. No parking shall be permitted on Irving Avenue from 9W west to a distance of 204 feet on the north side.

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.

ORDINANCE PUBLIC HEARING
ORDINANCE NO. 2013-14

On a motion by Councilwoman Oh, seconded by Councilwoman Jobson and carried, the public hearing was opened for 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”**.

ALL IN FAVOR:

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

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

ALL IN FAVOR:

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

On a motion by Council President Favaro, seconded by Councilwoman Jobson, Ordinance 13-14 was adopted.

ROLL CALL:

AYES: Ferro, Jobson, Favaro, Oh, Simon

NAYS: Aversa

ORDINANCE NO. 2013-14

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”.

BE IT ORDAINED by the Mayor and Council of the Borough of Englewood Cliffs, County of Bergen, State of New Jersey, that 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” are amended and supplemented herein as follows:

a. Any person under the legal age to purchase alcoholic beverages who knowingly possess or consumes any alcoholic beverage in or on any school property, public conveyance,

public place or place of public assembly or on private property shall be in violation of this section and shall be subject to a fine of two hundred fifty (\$250.00) dollars for a first offense and three hundred fifty (\$350.00) dollars for a subsequent offense.

b. This ordinance shall provide that the court may, in addition to the fine authorized for this offense, suspend or postpone for six months the driving privilege of the defendant. Upon the conviction of any person and the suspension or postponement of that person's driver's license, the court shall forward a report to the Division of Motor Vehicles stating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If a person at the time of the imposition of a sentence is less than 17 years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months after the person reaches the age of 17 years.

If a person at the time of the imposition of a sentence has a valid driver's license issued by this State, the court shall immediately collect the license and forward it to the division along with the report. If for any reason the license cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color, and sex of the person, as well as the first and last date of the license suspension period imposed by the court.

The Court shall inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in R.S.39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall be a defense to a subsequent charge of a violation of R.S.39:3-40.

If the person convicted under this ordinance is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the non-resident driving privilege of the person based on the age of the person and submit to the division the required report. The court shall not collect the license of a non-resident convicted under this section. Upon receipt of a report by the court, the division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

b. (1) This ordinance shall not prohibit an under aged person from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony, or rite or consuming or possessing an alcoholic beverage in the presence of and with the permission of a

parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.

(2) As used in Section (c):

“Guardian” means a person who has qualified as a guardian of the under-aged person pursuant to testamentary or court appointment.

“Relative” means the under-aged person’s grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.

c. This ordinance shall not prohibit possession of alcoholic beverages by any such person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the Revised Statutes, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post secondary education institution. However, this ordinance shall be construed to not preclude the imposition of a penalty under this section R.S.33:1-81, or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licenses for the sale of alcoholic beverages.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon adoption and publication in accordance with law; and,

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed as to said inconsistencies and conflict, and

BE IT FURTHER ORDAINED that 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.

This ordinance shall take effect upon final adoption and publication according to law.

ORDINANCE PUBLIC HEARING
ORDINANCE NO. 2013-15

On a motion by Council President Favaro, seconded by Councilwoman Oh and carried, the public hearing was opened for Ordinance 13-15 entitled **“REFUNDING BOND ORDINANCE PROVIDING FOR THE FUNDING OF AN EMERGENCY APPROPRIATION FOR THE PAYMENT OF AMOUNTS OWING TO OTHERS FOR TAXES LEVIED IN AND BY, THE BOROUGH OF ENGLEWOOD CLIFFS, IN THE COUNTY OF BERGEN, NEW JERSEY,**

APPROPRIATING \$590,000 BONDS OR NOTES OF THE BOROUGH OF ENGLEWOOD CLIFFS FOR FINANCING THE COST THEREOF”

ALL IN FAVOR:

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

There being no discussion, the public hearing was closed on a motion by Council President Favaro, seconded by Councilwoman Jobson. So ordered.

ALL IN FAVOR:

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

On a motion by Council President Favaro, seconded by Councilman Aversa, Ordinance 13-15 was adopted.

ROLL CALL:

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

ORDINANCE NO. 2013-15

REFUNDING BOND ORDINANCE PROVIDING FOR THE FUNDING OF AN EMERGENCY APPROPRIATION FOR THE PAYMENT OF AMOUNTS OWING TO OTHERS FOR TAXES LEVIED IN AND BY THE BOROUGH OF ENGLEWOOD CLIFFS, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$590,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$590,000 BONDS OR NOTES OF THE BOROUGH OF ENGLEWOOD CLIFFS FOR FINANCING THE COST THEREOF

WHEREAS, pursuant to the Local Budget Law, specifically N.J.S.A. 40A:4-46, the Borough of Englewood Cliffs, in the County of Bergen, New Jersey (the “Borough”), has heretofore authorized, by resolution adopted by the Borough Council on November 25, 2013, an emergency appropriation in the amount of \$590,000 with respect to the payment of amounts owed by the Borough to others for taxes levied in the Borough (the “Emergency Appropriation”); and

WHEREAS, the Borough has determined that it is in the best interests of the Borough to pay, fund or refund the Emergency Appropriation through the issuance by the Borough of its

refunding bonds or notes in an aggregate principal amount of \$590,000, as provided in this refunding bond ordinance.

NOW THEREFORE, THE BOROUGH COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), DOES ORDAIN AS FOLLOWS:

Section 1. The Borough of Englewood Cliffs, in the County of Bergen, New Jersey (the "Borough"), is hereby authorized to refund all or part of the Emergency Appropriation, and there is hereby appropriated, the amount of \$590,000 for funding the Emergency Appropriation which provided for the payment of amounts owed by the Borough to the owners of various properties for taxes levied in the Borough, as more particularly described on a list of owners and properties available for inspection in the office of the Borough Clerk.

Section 2. An aggregate amount not exceeding \$13,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 3. In order to finance the purpose described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount of \$590,000 pursuant to the Local Bond Law.

Section 4. In anticipation of the issuance of the refunding bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer

shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations.

All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature in accordance with the maturity schedule for the bonds approved by the Local Finance Board; and provided, further, that the period during which the bond anticipation notes and any renewals thereof and any permanent bonds are outstanding shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the chief financial officer of the Borough as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 6. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

MAYOR PARISI STATED:

“IF THERE WAS ANY UNFINISHED BUSINESS AT THIS TIME

UNFINISHED / NEW BUSINESS:

The Mayor has requested the Clerk to coordinate meetings with the Mayor and the two Council-elects prior to Christmas to discuss RFP/RFQ's. She will also coordinate meetings with the Mayor and Council members to discuss committee assignments, appointments and RFP/RFQ's.

The Sine Die Meeting of the Mayor and Council has been scheduled for 6:00 PM, Tuesday, January 7, 2014 at 10 Kahn Terrace.

Re-Organization Meeting of the Mayor and Council will be held immediately following the Sine Die Meeting.

Council President Favaro thanked Councilpersons Melanie Simon and Nora Jobson for a job well done and wished them well.

The Mayor wished everyone a happy and healthy holiday season and prosperous New Year.

Seeing and Hearing none, the meeting was adjourned at 9:00PM.

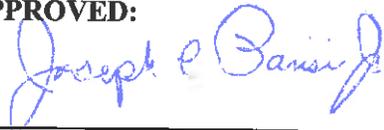
Respectfully submitted by Lisette M. Duffy, Borough Clerk.

ATTEST:



Lisette M. Duffy, Borough Clerk

APPROVED:



Joseph C. Parisi, Jr. Mayor