



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

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL

DATE: June 12, 2013

CALL TO ORDER: 8:00 P.M.

PRESENT AT ROLL CALL:

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

ALSO PRESENT:

Borough Attorney	E. Carter Corrison
Borough Engineer	Bernard Mirandi
CFO	Joseph Iannaconi
Chief of Police	Michael Cioffi
Auditor	Steven Weilkotz
Superintendent DPW	Mark Neville
Municipal Clerk	Lisette M. Duffy

FLAG SALUTE LEAD BY: Council President Favaro

The Mayor asked for a moment of silence for James Billington, Englewood Cliffs volunteer firefighter and Senator Lautenberg of New Jersey, both of whom passed away recently.

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.

PROCLAMATION: Michael Kontzamanis Police Chief for a Day: The Proclamation was read by Police Commissioner, Councilman Aversa.

BUDGET HEARING

On a motion by Councilwoman Simon, seconded by Councilman Aversa, the 2013 Budget was open to the public.

ALL IN FAVOR:

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

NAYS:

The following people from the public spoke:

Steve Rubinsky, 654 Summit Street, Englewood Cliffs, NJ 07632, asked for a copy of the 2013 Budget which is posted on the town website and is available in the Clerk's office.

Lauren Eastwood, 4 Willow Drive, Englewood Cliffs, NJ 07632, commented that the 9.6% spending increase from last year is irresponsible because of the high unemployment rate in New Jersey.

Mary O'Shea, 12 Irving Avenue, Englewood Cliffs, NJ 07632 asked for clarification of certain items on the 2013 budget. All items were clarified by Joe Iannaconi, CFO, Councilman Aversa and Mayor Parisi to the resident's satisfaction.

Debra Tsabari, 106 Hollywood Ave, Englewood Cliffs, NJ 07632 questioned if we have enough surpluses to cover our retiring police officers and is \$150,000 enough to cover all of our lawsuits. The Mayor explained that the police budget increased due to the numerous amounts of retirements. Carter Corrison also explained that due to the numerous lawsuits in town, our insurance rates have increased even though a lot of the cases are frivolous. He explained that a former patrolman's civil lawsuit against the town has been dismissed.

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

ALL IN FAVOR:

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

NAYS:

Councilwoman Oh provided an analysis and breakdown of the 2013 budget and thanked everyone for their work on the budget especially Councilwoman Jobson.

Councilman Ferro stated decisions were made without him. Councilwoman Oh mentioned that he was at all the budget sessions and disagreed with his comment. The Mayor stated that Councilman Ferro had the opportunity to speak at every meeting and provide a resolution to lowering the budget. Councilwoman Simon stated that the Council agreed to have a budget meeting around the Councilman's travel schedule.

On a motion by Councilwoman Oh and seconded by Councilwoman Simon, the 2013 Budget was offered for adoption. Carried.

ROLL CALL:

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

NAYS: Councilman Ferro

The Mayor thanked everyone for their input and understanding of the 2013 budget.

BUDGET 2013

RESOLUTION 13-68

Be it resolved, that the following statements of revenue and appropriations shall constitute the introduced Municipal Budget for the year 2013;

General Appropriations

Appropriations within "CAPS" – Municipal Purposes	\$ 11,411,220.00
Appropriations excluded from "CAPS"	\$ 3,538,774.00
Reserve for uncollected taxes	\$ 429,500.00
Total General Appropriations	\$ 15,379,494.00
Less: Anticipated Revenues	\$ 4,055,857.00

Amount to be Raised by Taxes for Support of Municipal Budget \$ 11,323,637.00

The Governing Body of the Borough of Englewood Cliffs does hereby introduce the above as the Budget for the year 2013:

ORDINANCE PUBLIC HEARING

ORDINANCE 13-04 – CAP INDEX RATE (N.J.S.A. 40A:4-45.14)

On a motion by Councilwoman Simon, seconded by Council President Favaro and carried, the public hearing was opened for Ordinance 13-04 entitled "**CALENDAR YEAR 2013**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK**

(N.J.S.A. 40A: 4-45.14)

ALL IN FAVOR:

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

NAYS:

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

ALL IN FAVOR:

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

NAYS:

On a motion by Councilwoman Simon, seconded by Council President Favaro, Ordinance 13-04 was adopted.

ROLL CALL:

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

NAYS:

**CALENDAR YEAR 2013
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

ORDINANCE 13-04

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Englewood Cliffs in the County of Bergen finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1.5% increase in the budget for said year, amounting to \$160,634.09 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Englewood Cliffs, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Borough of Englewood Cliffs shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by

3.50%, amounting to \$374,812.87, and that the CY 2013 municipal budget for the Borough of Englewood Cliffs be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

MINUTES:

Minutes of the following meeting were accepted as presented on a motion by Councilwoman Simon seconded by Councilman Aversa and carried.

Closed Session, Caucus & Regular Minutes of May 8, 2013

ALL IN FAVOR:

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

NAYS:

On a motion by Council President Favaro, seconded by Councilwoman Simon, the Department Head reports for June 2013 were ordered filed.

ALL IN FAVOR:

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

NAYS:

CLAIMS FOR THE PERIOD OF May 9, 2013 to June 12, 2013.

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

ROLL CALL:

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

NAYS:

CORRESPONDENCE FROM THE FOLLOWING WAS READ AND ORDERED FILED:

Steven Muhlstock, Esq

Rhoda Feldman, Resident

Mr. and Mrs. Rosenthal, Residents

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

ALL IN FAVOR:

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

NAYS:

COMMITTEE REPORTS

COUNCILMAN FERRO questioned the reason Palisades Park pool was chosen for summer camp as well as how the substitute prosecutor was selected. The Councilman also pointed out that the audit report needs a spell check and informed the auditor accordingly.

It was explained to Councilman Ferro that Palisades Park pool is the only pool in our area to allow our camp to go exclusively. Also, the name of the substitute prosecutor was recommended by the Court Administrator.

The Mayor and Council signed the audit report to document that each member received and read the audit report which is a requirement by the State of New Jersey.

COUNCILWOMAN JOBSON reported that she attended the most recent Board of Health meeting as a resident and made suggestions to the department. A suggestion was made that dog registration cards be sent to the residents.

The Mayor made a motion to appoint Councilwoman Jobson as Liaison to the Board of Health. Council President Favaro has resigned. The appointment was passed.

ROLL CALL:

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

NAYS:

ABSTAIN: Councilwoman Jobson

COUNCIL PRESIDENT FAVARO commended all the members of the Fire Department for their prompt responses to two fire calls on Saturday. They do a fantastic job and should be congratulated.

COUNCILWOMAN OH reported that the Chamber of Commerce had their first event at Central Kitchen in Englewood Cliffs recently with a ribbon cutting and a “meet and greet” with raffles.

COUNCILWOMAN SIMON stated that the June 8th Re-Cycling Event was a success. She thanked everyone involved including the DPW, Police Department, Fire Department and Council members who participated. The next re-cycling event is scheduled on October 12th and will include collecting coats. The Councilwoman advised everyone that we are preparing for our 2013 road improvement program.

Councilwoman Simon made a motion to authorize bond counsel to provide an ordinance for the 2013 Road Improvement Program, seconded by Councilman Aversa. So motioned.

ROLL CALL:

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

NAYS:

Councilwoman Simon made a motion to ask the Borough Engineer in conjunction with the DPW Superintendent with approval of the Borough Attorney to create bid specs for the roads approved by the Council, seconded by Council President Favaro.

ROLL CALL:

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

NAYS:

COUNCILMAN AVERSA reported that Little League and Girls Softball are winding down and summer camp will begin July 1, 2013. The Police Department was commended on the success of the Witte Clinic held June 12th. Grant money paid for the Samsung notebooks for the Council members which is a big savings for the Borough and the environment. The notebooks are for town business only and we are working on getting free WIFI for residents.

Councilman Aversa made a motion for the Police Committee to begin union negotiations for the 2014 police contract, seconded by Councilwoman Simon.

ALL IN FAVOR:

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

NAYS:

DPW SUPERINTENDENT NEVILLE reported that the Re-Cycling Event was a huge success. The 2013 Road Improvement Program will begin shortly and Boswell Engineering will provide bid specs. Resurfacing road work will be submitted to Cooperative Riverside under a separate program. The major infrastructure work will be done by the town.

BOROUGH ENGINEER MIRANDI reported that Boswell Engineering is finishing the specs for the NJDOT local aid municipal project which we have been awarded \$150,000 from the State. He will work with the DPW Superintendent and the Clerk, to establish a bid date for the program. A pre-construction meeting for the Pershing Pond dredging project will be scheduled with the Bergen County Mosquito Control Commission.

Councilman Ferro commented that it was nice to see that half of Palisade Ave was re-paved by the County due to a gas line repair.

POLICE CHIEF CIOFFI stated there was no damage from Tropical Storm Andrea; only one power failure. The Witte Clinic picnic went very well. June 14th is Police Chief for a Day. The Chief and five of his officers attended a class on bombs and IED's. Englewood Cliffs police were part of the team responsible for apprehending two burglars in neighboring towns. The Junior Police Academy is on for July 8-12, applications are being accepted at the PD. Parking ordinances are being revised with the Borough Attorney and Police Committee. Captain LaRaia and Lt. Colletta are retiring June 30th.

BOROUGH AUDITOR STEVE MUHLSTOCK reported that the audit information was delivered to the Council members for their signatures. The audit went well and a resolution is on the agenda to accept it. Any deficiencies will be resolved with an action plan by CFO, Joseph Iannaconi.

BOROUGH ATTORNEY reported that finalization of the change order for the sirens are almost complete. The Police Chief is working with PSE&G on this matter. The revised parking ordinances have been submitted to the Chief and the Police Committee for their review. Part of the 2013 budget was to pay down banked time to a police officer that has banked time in excess of 480 hours. Mr. Corriston is working on an agreement with the Labor Counsel to establish a payment plan which when finalized, will need approval from the Council. The Shalhoub v. Englewood Cliffs legal case has been dismissed and the town was vindicated.

Councilman Aversa motioned to authorize the Borough Attorney to negotiate and finalize labor agreement, seconded by Council President Favaro. So moved.

ALL IN FAVOR:

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

NAYS:

The Mayor announced that the June 13th Planning Board meeting has been rescheduled to June 19th regarding an application for 744 Palisade Ave property. There will be a June 27th special meeting for an application for 21 Sylvan Ave property. This information is on the town's electronic sign and posted on the website.

BOROUGH CLERK DUFFY – nothing to report

The Borough Clerk read the following Resolutions:

• **RESOLUTIONS 2013:**

CONSENT AGENDA

- 82- Payment of Death Benefits to “The Estate of Rinaldo J. Bozzuffi” (*Volunteer Firefighter*)
- 83- Authorize Mayor to sign agreement for Summer Camp Use of Borough of Palisades Park Pool
- 84- Tax Appeal – 6 Sylvan Avenue
- 85- 2013 Estimated Tax Rate
- 86- Approval of United Water Main Extension
- 87- Authorize Mayor to Sign Level 3 Agreement
- 88- Approval of Residential Sidewalk Removal - 57 Hickory Street
- 89- Renewal of Plenary Liquor Licenses
- 90- Appoint Substitute Prosecutor
- 91 - Reject DPW Garage Door Bid and Authorization to Re-bid Garage Doors
- 92- 2012 Audit Certification
- 93 - Tax Appeal 172 Chestnut (**corrected address**)

• **ORDINANCES 2013:**

PUBLIC HEARING *Open to the Public*

- 02 - AMEND AND SUPPLEMENT CHAPTER III** (*bikes & dogs at park*)
- 04 - CAP INDEX RATE ORDINANCE** (N.J.S.A. 40A: 4-45.14)

INTRODUCTION and FIRST READING - PUBLIC HEARING on July 10, 2013

- 05 - PAYMENT OF FEES FOR OFF DUTY POLICE OFFICERS** (*from outside vendors*)
- 06 - PROPOSED FEE ORDINANCE SCHEDULE** (*submitted by the Planning Board*)

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 Council President Favaro, seconded by Councilwoman Jobson, the meeting was open to the public for comment on resolutions and anything else. Carried

ALL IN FAVOR:

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

NAYS:

The following people from the public spoke:

Steve Rubinsky, 654 Summit Street, Englewood Cliffs, NJ 07632, asked for clarification from Councilman Aversa regarding summer camp use of the Palisades Park pool. The resident questioned the Borough Attorney as to the number of lawsuits filed for the town. Mr. Rubinsky asked for the total amount of banked hours for the police officer.

Mary O’Shea, 12 Irving Avenue, Englewood Cliffs, NJ 07632, the resident asked for clarification of Level 3 agreement and the roads for the 2013 road program. Ms. O’Shea questioned the Planning Board’s decision to re-schedule two of their meetings.

Lauren Eastwood, 4 Willow Drive, Englewood Cliffs, NJ 07632, said that resident Patrick Perin submitted an inaccurate property survey and questioned the Mayor about this. The Mayor was advised by the Borough Attorney not to answer the resident’s question.

Jack Geyer, 34 Toni Drive, Englewood Cliffs, NJ 07632, the resident discussed road safety issues on John Street and suggested placement of speed bumps.

After ample opportunity had been given for public discussion, Council President Favaro moved the public comment be closed. Motion was seconded by Councilman Aversa .So ordered.

ALL IN FAVOR:

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

NAYS:

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 himself from Resolution 89 and left the podium.

Council President Favaro chaired the meeting for Resolutions 82-93.

On a motion by Council President Favaro and seconded by Councilman Aversa, Resolutions 82 through 93 were offered for adoption by Consent Agenda.

ROLL CALL:

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

NAYS:

The Mayor returned to the podium

RESOLUTION 13-82

WHEREAS, Rinaldo J. Bozzuffi was a volunteer fireman for the Borough of Englewood Cliffs Volunteer Fire Department for more than seven (7) years; and

WHEREAS, he is not entitled to death benefits from the New Jersey State Firemen's Association because he was over age at the time of his admission to the Englewood Cliffs Volunteer Fire Department; and

WHEREAS, Ordinance No. 8412 provides that in that event the Borough of Englewood Cliffs, pursuant to Section I of said Ordinance, the death benefit shall be paid by the municipality when the decedent is not qualified to receive said death benefits from the New Jersey State Firemen's Association;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Englewood Cliffs shall issue a check payable to "The Estate of Rinaldo J. Bozzuffi" in the amount of TEN THOUSAND (\$10,000.00) DOLLARS pursuant to Ordinance No. 8412.

RESOLUTION 13-83

WHEREAS, the Borough of Englewood Cliffs Summer Camp Program is desirous of providing swimming opportunities for campers of the program; and

WHEREAS, the Borough of Palisades Park has indicated by letter of May 22, 2013, that they are willing to provide said services and facilities for use by the Borough's Summer Camp Program; and

WHEREAS, because of the need for services no competitive quotations were necessary based on the opinion of counsel pursuant to N.J.S.A. 40A:11-6.1(a).

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to enter into an agreement with the Borough of Palisades Park which shall provide that Summer Camp Program shall be permitted to use the Palisades Park swimming facilities on the following Tuesdays, July 9th, 16th, 23rd, 30th and August 6th, 2013 from 9:30 a.m. until 11:30 a.m. The Borough shall pay the rate of \$8.00 per child and \$4.00 per counselor to supervise, for the total cost to the Borough in the sum of \$6,800.00.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the necessary documents in regard to an Agreement between the Borough of Englewood Cliffs and the Borough of Palisades Park.

RESOLUTION 2013-84

WHEREAS, Alan Realty Management, LLC, is the owner of certain property located in the Borough of Englewood Cliffs, at Block 201, Lot 3, also known as 6 Sylvan Avenue; and

WHEREAS, taxpayer has filed 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 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 Alan Realty Management, LLC vs. Englewood Cliffs; and be it further

RESOLVED that for tax year 2011, the assessment of \$2,300,000 will be reduced to \$2,075,000, resulting in a refund of \$1,786; for tax year 2012, the assessment of \$2,300,000 will be reduced to \$2,075,000 resulting in a refund of \$1,856; and for tax year 2013, the assessment of \$2,300,000 will be reduced to \$2,040,000, resulting in a refund of \$2,145, (utilizing the 2012 tax rate); and be it further

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

RESOLUTION 2013-85

WHEREAS, the Borough of Englewood Cliffs will have a public hearing regarding its scheduled budget adoption on June 12, 2013 and the Bergen County Board of Taxation may be unable to certify Englewood Cliffs' tax rate at this time and the Borough of Englewood Cliffs Tax Collector may be unable to mail the Borough's 2013 tax bills on a timely basis; and

WHEREAS, the Borough of Englewood Cliffs Tax Collector/Chief Financial Officer has computed an estimated tax levy in accordance with NJSA 54:4-66.3, and he has signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Englewood Cliffs, in the county of Bergen, State of New Jersey on this the 12th day of June, 2013 the following:

1. The Englewood Cliffs Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Englewood Cliffs for the Third Installment of 2013 taxes. The Tax Collector shall take such actions as are permitted and required by P.L. 1994, c. 72 (NJSA 54:4-66.2 and 54:4-66.3)
2. The entire estimated tax rate for 2013 is hereby set at .847.

In accordance with the law the Third Installment of 2013 taxes shall not be subject to interest until the later of August 10th or the twenty-fifth day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue

RESOLUTION 13-86

WHEREAS, Eun Kyung Kim has presented to United Water New Jersey an application for an extension to its distributing system running as described and consisting of installing 460 feet of 6 inch Ductile Iron Pipe at 8 Ermeti 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 13-87

WHEREAS, Level 3 Communications LLC has made application to Englewood Cliffs for a Right-of-Way Agreement; and

WHEREAS, the municipal attorney has reviewed same and made certain changes; and

WHEREAS, Level 3 Communications LLC has approved said changes

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to enter into and execute said agreement in behalf of the Borough of Englewood Cliffs.

RESOLUTION 13-88

RE: REMOVAL OF SIDEWALK, 57 Hickory Street

Mr. and Mrs. Howard Rosenthal, residing at 57 Hickory Street, are hereby given permission to remove the sidewalk that is located in front of their home.

It is to be understood that Mr. and Mrs. Howard Rosenthal are solely responsible for the removal of the sidewalk and the cost thereof. The Borough of Englewood Cliffs is not responsible for any of the costs of this project.

RESOLUTION 2013-89

TITLE: Renewal of Plenary Retail consumption Licenses

WHEREAS, application for Plenary Retail Consumption Licenses have been made by the following and;

WHEREAS, no protests have been filed with the Acting Municipal Clerk;

NOW, THEREFORE BE IT RESOLVED, that the Municipal Clerk be and he is hereby authorized and directed to issue a Plenary Retail consumption License to the following applicants, subject to payment of the proper fees as set forth in the Borough Ordinance.

State Issued License Number	Tax Clearance
0216-33-002-005	5/13/2013
0216-33-003-005	5/24/2013
0216-33-004-012	5/13/2013
0216-33-005-004	5/13/2013
0216-33-006-007	5/15/2013
0216-33-007-010	5/13/2013
0216-33-008-007	5/13/2013

RESOLUTION 13-90

WHEREAS, the law requires that the Borough of Englewood Cliffs have a Substitute Prosecutor for the Englewood Cliffs Municipal Court; and

WHEREAS, the name of Marc Ramundo, Esq., 1372 Palisades Avenue, 2nd Floor, Fort Lee, New Jersey 07024 has been submitted as Substitute Prosecutor;

NOW, THEREFORE, BE IT RESOLVED, that Marc Ramundo, Esq., be and hereby is named Substitute Prosecutor for the Englewood Cliffs Municipal Court.

RESOLUTION 2013-91

WHEREAS, The Borough of Englewood Cliffs received one (1) bid in regard to the purchase of seven (7) new garage doors for the Department of Public Works; and

WHEREAS, the Borough Attorney has recommended that the bid be rejected for the following reasons: 1) failed to provide a Bid Bond; 2) failed to provide a Consent of Surety; and 3) failed to provide Business Registration Certificate.

NOW, THEREFORE, be it resolved that the bid is hereby rejected; and

BE IT FURTHER RESOLVED that the Borough Clerk is authorized to re-bid the purchase for said garage doors with whatever additional bid specs may be furnished to her by the Superintendent of DPW.

RESOLUTION 2013-92

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 2012 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:

General Comments

Recommendations

and

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:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction may be fined not

more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, That the governing body of the Borough of Englewood Cliffs, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION 13-93

WHEREAS, Maxim & Irina Semyonov, are owners of property known and designated as Block 701, Lot 23, also known as 172 Chestnut Street; and

WHEREAS, the taxpayers have appealed the 2012 and 2013 real property tax assessments; and

WHEREAS, the Tax Appeal Attorney, Tax Assessor and Borough Appraiser have recommended a settlement of the litigation, which is in the best interests of the Municipality;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs that the Tax Appeal Attorney be and is hereby authorized and directed to execute any and all documents necessary in order to effectuate a settlement, wherein the 2012 and 2013 assessments will be reduced from \$2,937,800.00 to \$2,725,000.00; and be it further

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

ORDINANCE PUBLIC HEARING

13-02 - AMEND AND SUPPLEMENT CHAPTER III (*bikes & dogs at park*)

On a motion by Councilwoman Simon, seconded by Councilwoman Jobson and carried, the public hearing was opened for Ordinance 13-02 entitled "**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER III, ENTITLED "POLICE REGULATIONS", SPECIFICALLY SECTION 3-5.1 ENTITLED "ENTERING PARKS OR RECREATION AREAS AFTER CLOSING TIME PROHIBITED: EXCEPTIONS: DOGS IN PARKS OR RECREATION AREAS" AND SECTION 3-10.2 ENTITLED "PROHIBITING THE USE OF BICYCLES, MOPEDS, OR ANY OTHER SELF-PROPELLED OR MOTORIZED VEHICLES ON THE FITNESS PATH SURROUNDING JOHNSON FIELD", OF THE GENERAL ORDINANCES AND REVISED CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS,**

ALL IN FAVOR:

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

NAYS:

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

ALL IN FAVOR:

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

NAYS:

On a motion by Councilwoman Jobson, seconded by Councilwoman Simon, Ordinance 13-02 was adopted.

ROLL CALL:

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

NAYS:

ORDINANCE PUBIC HEARING

Ordinance 13-02

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER III, ENTITLED "POLICE REGULATIONS", SPECIFICALLY SECTION 3-5.1 ENTITLED "ENTERING PARKS OR RECREATION AREAS AFTER CLOSING TIME PROHIBITED: EXCEPTIONS: DOGS IN PARKS OR RECREATION AREAS" AND SECTION 3-10.2 ENTITLED "PROHIBITING THE USE OF BICYCLES, MOPEDS, OR ANY OTHER SELF-PROPELLED OR MOTORIZED VEHICLES ON THE FITNESS PATH SURROUNDING JOHNSON FIELD", 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 iii, entitled "Police Regulations", specifically section 3-5.1 entitled "Entering Parks or Recreation Areas After Closing Time Prohibited: Exceptions: Dogs in Parks or Recreation Areas" and Section 3-10.2 Entitled "Prohibiting the Use of Bicycles, Mopeds, or Any Other Self-propelled or Motorized Vehicles on the Fitness Path Surrounding Johnson Field", are amended and supplemented herein as follows:

3-5.1 b. Dogs will be permitted on the paved areas and on the walkways of Witte Field, provided they are kept leashed and said leash shall not be over six (6) feet. In addition, they must be accompanied by a person 12 years of age or older and must be licensed.

3-10.2 a-1. Bicycles shall be permitted on the fitness path surrounding Witte Field and any other paved areas provided the wheels are under 28 inches and are operated by persons 18 years or under.

All other provisions of this ordinance shall remain in full force and effect.

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.

ORDINANCE INTRODUCTION

PUBLIC HEARING on July 10, 2013

Ordinance 13-05 - PAYMENT OF FEES FOR OFF DUTY POLICE OFFICERS (*from outside vendors*)

On a motion by Councilwoman Oh, seconded by Councilwoman Simon, and carried, Ordinance 13-05 entitled "AN ORDINANCE PROVIDING FOR THE PAYMENT OF FEES IN REGARD TO TRAFFIC CONTROL AND WORK PLACE SAFETY BOROUGH OF ENGLEWOOD CLIFFS COUNTY OF BERGEN, STATE OF NEW JERSEY," was introduced and passed on the first reading.

ROLL CALL:

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

NAYS:

ORDINANCE NO. 13-05

**AN ORDINANCE PROVIDING FOR THE PAYMENT OF FEES
IN REGARD TO TRAFFIC CONTROL AND WORK PLACE SAFETY
BOROUGH OF ENGLEWOOD CLIFFS
COUNTY OF BERGEN, STATE OF NEW JERSEY**

WHEREAS, it has been determined by the Mayor and Council of the Borough of Englewood Cliffs that in regard to the construction of work upon the public highways of the municipality and adjoining facilities, that the same may necessitate traffic control and work place safety for the benefit of the public;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Englewood Cliffs, that upon notice to the Borough of construction of work upon the public highways of the municipality and adjoining facilities, the Chief of Police or his designee, shall determine whether or not it is necessary to have a police officer present during said period of time and/or a patrol car, if necessary, and if it is determined that the same is necessary there shall be charges in the following manner:

1. \$75.00 per hour, or part thereof, for an off-duty Police Officer; and
2. \$25.00 per hour, or part thereof, for the presence of a police vehicle.

These fees shall be paid by the appropriate contractor and/or utility company or the person performing said work, within thirty (30) days of receipt of an invoice concerning same.

BE IT FURTHER ORDAINED that the appropriate contractor or utility company shall give the Borough twenty four (24) hours' notice of their intent to perform work upon the public highways of the municipality and adjoining facilities. However, in the event of an emergency, such time notice shall be waived.

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 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 art thereof, other than the part held so unconstitutional or invalid.

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

ORDINANCE INTRODUCTION
PUBLIC HEARING on July 10, 2013

06 - PROPOSED FEE ORDINANCE SCHEDULE (*submitted by the Planning Board*)

On a motion by Councilman Aversa, seconded by Councilwoman Simon, and carried, Ordinance 13-06 entitled “**AN ORDINANCE AMENDING THE SCHEDULE OF FEES AND INTIAL ESCROW DEPOSITS IN RELATING TO DEVELOPMENT APPLICATIONS BEFORE THE PLANNING BOARD OF THE BOROUGH OF ENGLEWOOD CLIFFS,**” was introduced and passed on the first reading.

ROLL CALL:

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

NAYS:

ORDINANCE NO. 13-06

AN ORDINANCE AMENDING THE SCHEDULE OF FEES AND INTIAL ESCROW DEPOSITS IN RELATING TO DEVELOPMENT APPLICATIONS BEFORE THE PLANNING BOARD OF THE BOROUGH OF ENGLEWOOD CLIFFS

BE IT ORDAINED by the Mayor and Council of the Borough of Englewood Cliffs, as follows:

SECTION 1. Chapter XVIII entitled “Land Use Procedures”, **Section 18-3.4**, entitled **Schedule of Fees**, is hereby deleted and the following substituted in its place:

18-3.4. There is hereby established in connection with various applications for development and other matters which are the subjects of this Chapter the following schedule of fees, which shall be paid by the party seeking relief to the secretary of the land use board (hereafter “Board”)¹:

a. Development Application Fees. The developer shall, at the time of filing a submission, pay fees as established below to the Secretary of the Board by certified check or bank money order. Proposals involving more than one (1) use shall pay a fee equaling the sum of the fees for the component elements of the application. Proposals requiring a combination of approvals, such as subdivision, site plan and/or a variance, shall pay a fee equal to the sum of the fee for each element. These application fees shall be separate and apart from escrow deposits for professional services as hereinafter set forth:

1. Copy of the decision of the governing body to the interested party in connection with an appeal pursuant to subsection 18-4.3 - **Ten (\$10.00).Dollars**

¹ On April 18, 2012, Ordinance 12-05 dissolved the Zoning Board of Adjustment and transferred its statutory powers to the Planning Board pursuant to N.J.S.A. 40:55D-25c. Thus, the fees and initial escrow deposits herein established relate to development applications before the Planning Board.

2. Publication in a newspaper of the decision of the governing body of an appeal pursuant to subsection 18-4.3 - **Cost of publication.**

3. Development applications.

(a) Sketch plat, simple lot line charge - Fifty **(\$50.00) Dollars.**

(b) Minor subdivision - **Two Hundred Fifty (\$250.00) Dollars.**

(c) Major subdivision - Three **Hundred Fifty (\$350.00) Dollars plus Fifty (\$50.00) Dollars per lot for each lot shown on the plat.**

(d) Site plan approval - **Three Hundred Fifty (\$350.00) Dollars for the first 10,000 square feet of floor space and One Hundred (\$100.00) Dollars for each additional 10,000 square feet, or part thereof, of floor space.**

(e) Use variance without subdivision or site plan approval - Two **Hundred Fifty (\$250.00) Dollars.**

(f) Use variance with subdivision or site plan approval - Five **Hundred (\$500.00) Dollars.**

(g) Conditional use applications - Two **Hundred Fifty (\$250.00) Dollars.**

(h) Interpretation of zoning map or zoning regulations - Two **Hundred Fifty (\$250.00) Dollars.**

(i) Appeal of decision of Zoning Officer - Two **Hundred Fifty (\$250.00) Dollars.**

(j) Bulk variances (on one application) (lot area, dimensions, height, setbacks) - One **Hundred Fifty (\$150.00) Dollars.**

(k) Sign variance - **One Hundred (\$100.00) Dollars.**

(l) Certified list of property owners within two hundred feet of a proposed development - Twenty **(\$20.00) Dollars.**

(m) Scheduling of Special Meeting - **One Thousand (\$1,000.00) Dollars.**

b. Escrow Deposit for Professional Fees.

1. In addition to the filing fees or any other fees required in this Article, an applicant shall file with the Administrative Officer an escrow deposit fee of adequate funds to cover the costs incurred for the technical review of the application by planners, attorneys and any other professionals, stenographic transcripts and/or experts employed by the Borough on a consultant basis whose services are deemed, by the Borough, necessary to report upon the application and to cover any and all costs in processing the application. The Chief Financial Officer shall place all such deposits in an escrow account in the name of the applicant and shall charge against such account all disbursements in connection with the

costs referred to above. Technical review fees shall be calculated in accordance with the actual time required for review at rates established by a schedule of professional fees filed annually with the Administrative Officer and approved by the Planning Board, which schedule shall be maintained in the office of the Borough Clerk for public inspection. The administration of technical review escrow deposits and payments made to professionals from these deposits shall be in accordance with the provisions of N.J.S.A. 40:55D-53.1 and Section 13 of P.L. 1991, c.256. At the time of filing an application for development, the applicant shall pay to the Borough an initial deposit for technical review fees as established and set forth below:

2. Said initial escrow deposits shall be as follows:

(a) **Major subdivision:**

(i) Preliminary subdivision approval without variances or site plan - – **Seven Thousand Five Hundred (\$7,500.00) Dollars;**

(ii) Preliminary subdivision approval with variances and/or site plan - **Eight Thousand (\$8,000.00) Dollars;**

(iii) Final subdivision approval without variances or site plan – **Three Thousand (\$3,000.00) Dollars;**

(iv) Final subdivision approval with variances and/or site plan – **Four Thousand (\$4,000.00) Dollars;**

(b) **Minor subdivision:**

(i) Subdivision approval with or without variances – **Three Thousand (\$3,000.00) Dollars;**

(ii) Subdivision approval with site plan – **Five Thousand (\$5,000.00) Dollars.**

(c) **Major Site Plan.**

(i) Preliminary site plan without variances – **Three Thousand (\$3,000.00) Dollars;**

(ii) Preliminary site plan with variances – **Four Thousand (\$4,000.00) Dollars;**

(d) **Minor Site Plan:**

(i) Site plan without variances – **Two Thousand (\$2,000.00) Dollars;**

(ii) Site plan with variances – **Three Thousand (\$3,000.00) Dollars;**

(e) **Business Signs - Two Thousand Five Hundred (\$2,500.00) Dollars.**

(f) **Other Variance Applications:**

(i) New home construction – **One Thousand Eight Hundred (\$1,800.00) Dollars;**

(ii) Additions to existing home – **One Thousand Two Hundred (\$1,200.00) Dollars;**

(iii) Any other variance, including accessory structures, pools and tennis courts – **One Thousand (\$1,000.00) Dollars;**

(g) **Any Other Application not previously enumerated**, such as Appeal from Zoning Officer's decision under N.J.S.A. 40:55D-70(a) and Interpretation of Zoning Map or Zoning Ordinance under N.J.S.A. 40:55D-70(b) - **One Thousand Five Hundred (\$1,500.00) Dollars.**

3. Discretion to Impose Lesser Application Fee or Escrow. Notwithstanding the foregoing, the Planning Board shall have the authority to waive the aforesaid applications fees and/or escrow deposits, or require an amount less than the amounts set forth in the Chapter, based upon exceptional circumstances and/or the non-profit status of the applicant, and upon the written request of the applicant stating the reasons therefore.

4. Administration of Technical Review Deposit Fees. The administration of technical review escrow deposits shall be in accordance with the provisions of N.J.S.A. 40:55D-53.1 and Section 13 of P.L. 1991, c.256 and as provided below.

(a) Each technical review escrow deposit shall be held by the Borough in a trust account separate from the general funds of the Borough.

(b) The Borough agency shall not process and/or take action on the application unless all fees and deposits required in the manner described herein have been paid by the applicant. Property taxes shall have been paid to date.

(c) In the event that the funds in the escrow account should become depleted prior to the completion of the application procedure and additional funds are necessary to cover the cost of processing the application, the applicant shall deposit additional funds in the amount as requested by the Administrative Officer. In order to expedite the processing of applications by the Borough agency, the Administrative Officer shall notify the applicant in writing when additional funds are necessary. Such additional funds shall be deposited no later than one (1) week prior to the next regularly scheduled meeting of the Board (if payment is made less than one (1) week prior to the next Board meeting, then payment must be made by official bank check, certified or bank cashier's check), and the applicant's failure to comply shall constitute grounds for postponement or dismissal of the application. In the event that such failure to deposit shall continue for more than thirty (30) days after the date of the Administrative Officer's written notification to the applicant, then the Board chairperson shall make a motion to dismiss the application at the next regularly scheduled meeting of the Board.

(d) All bills submitted to a Borough agency by the planning consultant, engineer, attorney or other professional containing charges to be applied to an escrow account authorized and established pursuant to this section shall specify the services performed in relation to individually identified applications for which the charges have been made.

(e) Unit charges (i.e., per diem or hourly fees, inspection or expert testimony charges) levied by an engineer, planning consultant, attorney or other professional for services applied to an escrow account authorized and approved pursuant to this section may not exceed those unit charges contracted for and/or approved by the Borough agency for services by these professionals which may not, under this section, be subject to compensation by an escrow account.

(f) Whenever an amount of money in excess of Five Thousand (\$5,000.00) Dollars shall be deposited by an applicant with the Borough for technical review deposits pursuant to this Chapter, said money shall be deposited in an interest-bearing account and, until repaid or applied to the purposes for which it is deposited, including the applicant's portion of the interest earned thereon, shall continue to be the property of the applicant and shall be held in trust by the Borough in escrow. All interest earned and paid to the applicant shall be in conformity with Chapter 315 of the Laws of 1985.

(g) Any of the funds remaining in the escrow account upon completion of the application procedure, as well as any interest the applicant may be entitled to pursuant to Chapter 315 of the Laws of 1985, shall be returned to the applicant, via a resolution adopted by the Governing Body or the Board releasing remaining escrows, and the account shall be terminated.

(h) All escrow charges which are due and owing shall become a lien upon the property which is the subject of the application for development and shall remain so until paid. Overdue escrow charges shall accrue the same interest as established for real property taxes in the Borough. The Borough shall have the same remedies for collection of escrow charges with interest, cost and penalties as it has by law for the collection of

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

MAYOR PARISI STATED:

“IF THERE WAS ANY UNFINISHED BUSINESS AT THIS TIME

UNFINISHED / NEW BUSINESS:

Reverend Steven Conner Police Chaplain

Councilwoman Simon motioned to appoint Reverend Steven Conner as Englewood Cliffs Police Chaplain, seconded by Council President Favaro. So moved.

ALL IN FAVOR:

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

NAYS:

Council President Favaro commented that he and Carter Corrison attended two “LaRaia” retirements, Captain John LaRaia retired in 1989 and Captain William LaRaia in 2013.

The Mayor wished everyone a Happy Fourth of July with a reminder that fireworks are illegal in the State of New Jersey.

Seeing and Hearing none, the meeting was adjourned at 9:40 pm.

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

ATTEST:

APPROVED:

Lisette M. Duffy, Acting Municipal Clerk

Joseph C. Parisi, Jr. Mayor