



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

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL

DATE: March 13, 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	Gloria Oh
Councilwoman	Melanie Simon
Councilman	Ed Aversa

ALSO PRESENT:

Municipal Attorney	E. Carter Corrison
Chief of Police	Michael Cioffi
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 Bobbie Goldstein, Shade Tree Committee volunteer who passed away earlier in the week. The Mayor spoke highly of Mrs. Goldstein in her capacity with the young residents of Englewood Cliffs, as well as a Shade Tree volunteer. Mrs. Goldstein was the wife of former Councilman Arthur Goldstein, mother of former Councilwoman Lynn Norton. Her absence will be missed by many in the community.

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.

The Mayor announced the resignation of Councilman Plawker and highlighted his outstanding years of service to the community. The Council President seconded the Mayor's sentiments and shared his personal friendship with the former Councilman. The resignation letter was read aloud. Mr. Plawker will continue his work with the County and continue with his role his on the State level with the Board of Education.

The Mayor wishes Mr. Plawker well with his health and future endeavors.

The Municipal Clerk read the names as provided by Englewood Cliffs Democratic Chair for the position of Councilperson in accordance with the New Jersey Statutes.

Patricia Drimones
Nora Jobson
Thomas Manolio

On a motion by Council President Favaro seconded by Councilwoman Simon, Nora Jobson, was nominated for Councilwoman.

ROLL CALL:

AYES: Councilpersons Favaro, Oh, Simon, Aversa

ABSTAIN: Councilman Ferro

The Mayor introduced Assemblywoman Valerie Huttle, who administered the Oath of Office.

Councilwoman Jobson thanked the Democratic Committee, as well as the Mayor and Council for the nomination and support. The newly elected Councilwoman was appreciative of the response she received from many residents during her campaign and promised to serve the residents of Englewood Cliffs in her new role. In addition, Mrs. Jobson thanked the former Councilman for his service, and looks forward to working with Mr. Plawker, who served as her mentor.

The Mayor recommended that Councilwoman Jobson chair the committees that Mr. Plawker served on with the exception of the Police Committee. Councilman Aversa was recommended for Police Chair and Councilwoman Jobson would sit as part of the committee.

On a motion by Councilwoman Simon, seconded by Council President Favaro Nora Jobson, was nominated for Councilwoman.

ROLL CALL:

AYES: Councilpersons Favaro, Oh, Simon, Aversa

ABSTAIN: Councilman Ferro

The Mayor asked Councilwoman Jobson to work in unison with Councilwoman Oh on the Finance Committee. The Mayor pointed out that with the Councilwoman's background in Finance, her input would be beneficial to the committee of the whole.

MINUTES:

Minutes of the following meeting were accepted as presented on a motion by Council President Favaro, seconded by Councilwoman Oh and carried.

Caucus Minutes of February 13, 2013
Regular Minutes of February 13, 2013

ALL IN FAVOR:

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

NAYS:

On a motion by Council President Favaro, seconded by Councilwoman Oh, the following reports were ordered filed.

DEPARTMENT REPORTS for FEBRUARY 2013:

Police Report
Court Report
Construction Code Official Report
Fire Report
Analysis of Receipts Disbursements Report
Bill Lists Report
Statement of Cash in Banks and Investments Report

ALL IN FAVOR:

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

CLAIMS FOR THE PERIOD OF February 14, 2013 – March 13, 2013

On a motion by Councilwoman Oh, seconded by Council President Favaro, the Claims for the month of February 2013 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

COMMITTEE REPORTS

COUNCILMAN FERRO stated he feels he is not receiving documents in a timely manner. After discussion, it was decided that proper protocol was followed and that the Council would move forward. Councilman Ferro mentioned that all is going well with sanitation and there are no complaints.

COUNCILMAN FAVARO received thank you letters from the Bozzuffi family regarding the death of former Councilman Dick Bozzuffi. A thank you note was also received from Janice Romano, whose father dies recently. Both families expressed their gratitude to everyone in the Borough for their kindness & sympathy during this difficult time.

COUNCILWOMAN OH stated that the Board of Education decided at their March 4th meeting, that they will hire their own security guards through a private agency for the school district. There is a Budget Meeting scheduled for 11AM, March 17, 2013 which is open to the public.

COUNCILWOMAN SIMON stated that we have received the wood chipper to make mulch. This will save the town a lot of money. On Saturday, June 8th there will be a paper shredding and recycle event for the town.

COUNCILMAN AVERSA said that girls' basketball is winding down now. We had a record number of 51 girls this year. He announced that several spring events will begin soon and summer camp will start in July. The Spring Treasure Hunt is set for 1PM on March 23 at Witte Field. The Councilman thanked Dr. Bancroft, Board of Health President for his assistance with the additional wording on the rabies clinic flyer.

DPW SUPERINTENDENT NEVILLE stated that the DPW will be working on the pothole situation for the spring. Residents can contact the DPW to report potholes.

BOROUGH ENGINEER MIRANDI reported that there will be a meeting this month with the DPW and the road program contractor for improvement of the roads to begin in early April. We are reviewing data from the Water Company. The Bergen County Soil Conservation district permit is in place for the dredging of Pershing Pond to begin in the summer. A meeting with the DPW will be scheduled to discuss mosquito control. We anticipate a grant from the JDOT for repaving of Summit St. The Mayor requested a cost estimate for the dredging of Pershing Pond.

POLICE CHIEF CIOFFI stated that Ilan Plawker will be missed. He he is a great asset to the town. He welcomed Councilwoman Nora Jobson and looks forward to working with her. Chief Cioffi and some of his police officers attended a school shooting training seminar on February 15. The Planning Board has requested police assistance for some applications.

BOROUGH ATTORNEY reported that he has been busy with litigations which cannot be discussed. He has prepared all the contracts for the professionals in the Borough. He researched the law as requested by Councilman Ferro regarding the validity of an absent councilperson to vote via telephonic communication. There is no law in the State of New Jersey. The Legislation should pass a law regarding this matter. Councilman Ferro questioned the validity of telephonic communication during closed session meetings. The Borough Attorney said in a closed session, there is no public access for dissemination of information. The Mayor stated that this should be further researched.

BOROUGH CLERK DUFFY – Nothing to report

Councilman Ferro noted that Resolutions numbers 47 and 48 were reversed. The Clerk advised the resolutions will be corrected in the minutes and on the agenda.

The Borough Clerk read the following Resolutions:

RESOLUTIONS 2013:

- 44- Authorization to Make Transfers 2013
- 45- Tax Appeal - 301 Sylvan Avenue
- 46- Accept Painting Donated by The Estate of Dr. John Pagano
- ~~47- Authorize Mayor to Sign 2013 Animal Control Agreement with the County~~ PULLED
- ~~48- Authorize Mayor to Sign 2013 Blood borne Pathogens Agreement with the County~~ PULLED
- 49- Appoint Firefighter Constantine Demoleas

- 50- Authorization for Borough Use of Vehicles
- 51- Authorize Mayor to Sign 2013 Employee Assistance Program with the County
- 52 - Authorization to Purchase Dump Truck through State Contract

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, 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:

Mary O’Shea, 12 Irving Avenue, Englewood Cliffs, NJ 07632, spoke about John Street parking. There is now a parking issue on Irving Ave. Council President Favaro stated that the police are checking all parked cars on John Street. Cars are only permitted to park one hour and will be ticketed if they do not comply. The same procedure should be done on Irving Ave. She is outraged about Resolution 47 and 48. After discussion, the Mayor agreed the Board of Health liaison and Board of Health President will discuss the contracts. She is against Resolution 50. The Mayor explained the resolution. These five individuals are entitled to use the vehicles within New Jersey and adjoining states because they are on 24 hour call.

Lauren Eastwood, 4 Willow Drive, Englewood Cliffs, NJ 07632, is against Resolution 47 and 52 and feels the Borough should use a no kill animal shelters. The resident also commented on the mileage of the Police Chief’s borough car. She questioned whether W2 forms are issued to employees for vehicle use. Ms. Eastwood informed all of the Republican Meeting held the prior night and how those present discussed the use of borough vehicles.

Michael Telzer, 9 Churchill Road, Englewood Cliffs, NJ 07632, asked if there was any talk regarding the formation of a civilian complaint board. Mr. Telzer submitted documents to the Clerk for Counsel.

Steve Rubinsky, 654 Summit Street, Englewood Cliffs, NJ 07632, asked Councilman Ferro why he doesn’t bring up his issues at the Caucus session rather than taking up everyone’s time during the regular meeting. Mr. Rubinsky is against what is happening with LG and was not in favor of the article written on February 25, 2013 in the Northern Valley Press.

George Drimones, John Street, Englewood Cliffs, NJ 07632, the Fire Chief is not in agreement Mrs. O’Shea regarding the police and fire chief’s vehicles. The Chief pointed out that they are able to respond in a timely fashion to any emergency that occurs because of the availability of their vehicles. The safety of our residents is our priority.

Andrew Nikkow, 54 Elm Street, Englewood Cliffs, NJ 07632, stated that we should not be discussing topics with pending litigation. We are proud of our police and fire departments.

Jack Geyer, 34 Toni Drive, Englewood Cliffs, NJ 07632, the resident is against resolution 52 and the public use of 24 hour use of borough vehicles. The resident requested that a 1099 should be issued for the use of gas for the town vehicles and someone monitor the use.

Pat Drimones, 71 John Street, Englewood Cliffs, NJ 07632, stated that the Fire Chief’s vehicle does not go into another state. There has never been any abuse of the borough vehicle and that she has been left stranded at many personal events due to her husband’s response to emergencies.

After ample opportunity had been given for public discussion, Councilman Aversa moved the public comment be closed. Motion was seconded by Councilwoman Oh .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

On a motion by Councilwoman Oh, seconded by Councilwoman Simon, Resolutions 44 through 46 and 49 through 52 were offered for adoption by Consent Agenda.

ALL IN FAVOR:

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

NAYS

Resolutions 47 and 48 were pulled from the Consent Agenda until the Board of Health Liaison and Board of Health President meet to discuss the contracts.

Councilwoman Simon stated that no one on this Council wants to harm animals and said that the comment made by Lauren Eastwood is offensive.

Lisette Duffy stated that she contacted Bergen County and was told their shelter is a low kill shelter. They would only euthanize an animal if it is severely injured.

Councilwoman Simon stated that the dump truck is coming from recycle funds.

Councilman Ferro questioned whether \$100 per hour if needed should be included in Resolution 45. The Mayor stated that the Resolution was written by Mr. Muhlstock’s office and the Resolution will not be changed.

ROLL CALL:

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

NAYS: Ferro – Resolution 50

ABSTAIN: Ferro – Resolution 45

RESOLUTION 13-44

RE: TRANSFER OF FUNDS BETWEEN APPROPRIATION RESERVES

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

2013 TRANSFERS

<u>From:</u>			<u>To:</u>		
2401	POLICE S/W	\$ 84,000.00	1451	COLLECTION OF TAXES O/E	\$ 330.00
2902	STREETS & ROADS O/E	\$ 25,000.00	1552	LEGAL SERVICES O/E	\$ 14,327.00
1001	A & E S/W	\$ 3,700.00	1652	ENGINEERING O/E	\$ 5,656.00
1952	CONSTRUCTION OFF O/E	\$ 5,000.00	1802	PLANNING BOARD O/E	\$ 7,163.00
2562	FIRST AID O/E	\$ 6,000.00	1852	BOARD OF ADJUSTMRNT O/E	\$ 4,045.00
2651	FIRE S/W	\$ 12,000.00	2200	GORUP INSURANCE	\$ 5,242.00
2672	FIRE HYDRANTS	\$ 5,000.00	2402	POLICE O/E	\$ 2,871.00
2751	MUNICIPAL COURT S/W	\$ 3,445.00	2654	LOSAP	\$ 3,005.00
3112	STREETS & ROADS O/E	\$ 10,000.00	2912	STREETS & ROADS O/E	\$ 16,512.00
3131	SHADE TREE S/W	\$ 4,000.00	3102	PUBLIC BLDG & GROUND O/E	\$ 7,662.00
3751	RECREATION S/W	\$ 7,000.00	3302	BOARD OF HEALTH O/E	\$ 1,233.00
3752	RECREATION O/E	\$ 13,000.00	4212	CELEBRATION PUBLIC EVENTS	\$ 193.00
			4552	WATER	\$ 404.00
			4652	BCUA	\$ 109,502.00
		<u>\$ 178,145.00</u>			<u>\$ 178,145.00</u>

RESOLUTION 2013-45

WHEREAS, Kamson Corp., located at 301 Sylvan Avenue, Block 207, Lot 7, is a taxpayer that has filed appeals for the years 2010, 2011, 2012 and 2013; and

WHEREAS, McNerney Associates submitted a proposal for appraisal services in the amount of \$5,000 which is annexed hereto and made a part hereof; and

WHEREAS, the Committee has deemed that McNerney Associates is qualified to provide appraisal services for the Borough in defense of this matter; and

WHEREAS, the retention of McNerney Associates is in the best interests of the Borough;

NOW, THEREFORE, be it

RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs that McNerney Associates is authorized to provide appraisal services at the above facilities in connection with pending real property Tax Court appeals entitled Kamson Corp. vs. Englewood Cliffs; and

BE IT FURTHER RESOLVED that the services to be provided by McNerney Associates do not require public bidding or solicitation; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute such contract; and

BE IT FURTHER RESOLVED that McNerney Associates shall be compensated for their services, in accordance with their proposal, in the amount of \$5,000; and

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

BE IT FURTHER RESOLVED that the Acting Borough Clerk is hereby directed to maintain a copy of this Resolution and a copy of the proposal with McNerney Associates, in her offices, for public inspection.

RESOLUTION 13-46

TITLE: ACCEPT TWO SIGNED PAINTINGS FROM THE ESTATE OF JOHN O. A. PAGANO

WHEREAS, the Estate of John O. A. Pagano, artist, doctor, and longtime resident of Englewood Cliffs has donated two framed lithographs for display in the Borough Hall; and

NOW, THEREFORE, BE IT RESOLVED that the Englewood Cliffs Mayor and Council does hereby accept the framed lithographs from the Estate of John O.A. Pagano; and

BE IT FURTHER RESOLVED, that the Englewood Cliffs Mayor and Council express their sincere appreciation to the family of John O. A. Pagano for their thoughtful and generous gift to the Borough.

RESOLUTION 13-49

RE: APPOINT VOLUNTEER FIREMAN

WHEREAS, the Englewood Cliffs Volunteer Fire Department has recommended the appointment of Constantine Demoleas as an active member of the Englewood Cliffs Volunteer Fire Department;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Englewood Cliffs does hereby approve the membership of Constantine Demoleas as an active member of the Englewood Cliffs Volunteer Fire Department.

RESOLUTION 13-50

WHEREAS, pursuant to past practices, the Borough of Englewood Cliffs has permitted the Chief of Police, Deputy Chief of Police, Fire Chief, Deputy Fire Chief and Superintendent of the Department of Public Works to use the vehicles assigned to them on a twenty four (24) hour basis without restrictions in regard to personal use provided said use shall only be for within the State of New Jersey and any adjoining states; and

WHEREAS, the Mayor and Council wishes to formalize said authorization.

NOW, THEREFORE, BE IT RESOLVED, that the Chief of Police, Deputy Chief of Police, Fire Chief, Deputy Fire Chief and Superintendent of the Department of Public Works are hereby permitted to use the vehicles assigned to them on a twenty four (24) hour basis without restrictions in regard to personal use, provided said use shall only be for within the State of New Jersey and any adjoining states.

RESOLUTION 13-51

RE: 2013 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, 2013 and ending December, 2013 is currently on file in the office of the Municipal Clerk, be and is hereby approved for a total amount of \$817.00:

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

RESOLUTION 13-52

WHEREAS, the Borough of Englewood Cliffs, through its Superintendent of the Department of Public Works, Mark Neville, has need to purchase a 2013 Ford F-450 Regular Cab; and

WHEREAS, the Borough has funds in its recycling trust account to purchase same; and

WHEREAS, the Treasurer has certified that said funds are available; and

WHEREAS, there is a state contract in effect in regard to the purchase of said vehicle.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Englewood Cliffs hereby authorizes the Superintendent of the Department of Public Works, Mark Neville, to issue a purchase order to Beyer Fleet, 31 Williams Parkway, East Hanover, New Jersey 07936 in the amount of \$45,137.00 pursuant to the State Contract #A83560 and further authorizes him to sign the necessary purchase agreement.

The Mayor reminded everyone that there is a Budget Meeting, on Sunday, March 17 at Borough Hall and that the next Council Meeting is scheduled for April 17. He wished everyone a Happy Holiday.

Mayor Parisi also stated that the names of the potential candidates were leaked to the Press. He is asking all Council members again to remember the Oath of Office they took. The Borough attorney will write a confidentiality agreement for all employees and public officials. The Clerk will follow-up regarding this matter.

Council President Favaro stated that he does not speak to his wife about borough business. All matters are considered confidential. Also regarding Borough vehicles, the former Mayor Parisi Sr, always said he wanted the Police Chief and the Fire Chief vehicles to arrive five minutes earlier.

Councilwoman Jobson stated that the borough vehicles are equipped to get the officials to an emergency safely and quickly.

Councilwoman Oh questioned Councilman Ferro as to why he abstained from two resolutions. Councilman Ferro said he did not have to answer the question because the Council already voted.

MAYOR PARISI STATED:

“IF THERE WAS ANY UNFINISHED BUSINESS AT THIS TIME

Seeing and Hearing none, the meeting was adjourned at 9:43 pm.

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

ATTEST:

APPROVED:

Lisette M. Duffy, Acting Municipal Clerk

Joseph C. Parisi, Jr. Mayor