



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

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL

DATE: July 10, 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
Chief of Police	Michael Cioffi
Superintendent DPW	Mark Neville
Municipal Clerk	Lisette M. Duffy

The Mayor reminded the Council and the public to speak into the microphone for accurate recording.

FLAG SALUTE LEAD BY: Council President Favaro

The Mayor asked for a moment of silence for Stephen Rallo, Englewood Cliffs resident and alternate member of the Board of Health who passed away recently. Our sincere condolences to his family.

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 June 12, 2013

DEPARTMENT HEAD REPORTS for June 2013

On a motion by Council President Favaro, seconded by Councilwoman Jobson, and carried unanimously, the Minutes and Department Head reports for June 2013, were approved on Consent Agenda.

CLAIMS FOR THE PERIOD OF June 13, 2013 through July 10, 2013.

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

COMMITTEE REPORTS

COUNCILMAN FERRO – nothing to report.

COUNCILWOMAN JOBSON reported that she attended her first meeting as Liaison to the Board of Health. There has been progress regarding the dog licenses and other matters.

COUNCIL PRESIDENT FAVARO recapped the Borough Ordinance regarding Board of Health appointments. The members of the Board shall be nominated by the Mayor and appointed by him with the advice and consent of the Council.

The Borough Attorney will research the legality of the new appointment.

The Mayor asked the Borough Clerk to check the State Statute to see if it contradicts our ordinances for appointments and the residency of a member.

The Mayor asked the Council to submit recommendations for membership appointments and then he will meet with Dr. Bancroft.

Councilwoman Jobson recommended a Veterinarian for the alternate appointment. Councilwoman Simon questioned whether the Board of Health attorney, is in our budget. The Mayor clarified that the Board of Health attorney is only utilized when needed.

COUNCILWOMAN OH - nothing to report

COUNCILWOMAN SIMON stated that she hopes everyone will approve the Riverside Cooperative Agreement for \$138,625.25 to improve three streets, Alfred, Wood and Bolz. The rest will come out of capital bonding. Englewood Cliffs Police and Fire Departments will host a Blood Drive at the firehouse on Friday, July 26th from 12:00PM to 5:00 PM.

COUNCILMAN AVERSA reported that summer baseball, adult softball and the summer camp pool project are going well. There are approximately 160 campers, 31 extended campers and 50 counselors at our summer camp. The Recreation Committee will meet next week to discuss additional community events. The ambulance building project is in progress. Police Chief for a Day and the Junior Police Academy were both a huge success. The Police Committee discussed upcoming promotions and contractual obligations. Police retirees will be replaced but no additional officers beyond the current force will be hired. The dispatcher situation was discussed as well as the new police contract. Councilman Aversa is confident that a mutually beneficial agreement will be met. Councilman Aversa pointed out that there has been great feedback as well as complaints regarding the website. He stressed that we are on a limited budget and hiring an outside person would be quite costly to the town.

DPW SUPERINTENDENT NEVILLE clarified that Ropes Road is included in the Riverside Cooperative Agreement. Work at Pershing Pond is moving forward.

BOROUGH ENGINEER MIRANDI reported that the maintenance bond for the 2012 Road Program has been received. We are in the middle of the design project for the 2013 Road Program. A pre-construction meeting was held recently with Bergen County Mosquito Control and we are allowing the pond to dry before scheduling soil removal by Bergen County equipment engineers.

POLICE CHIEF CIOFFI stated that the Michael Kontzamanis Police Chief for a Day and the Junior Police Academy went extremely well. The Blood Drive, scheduled for July 26th from 12PM-5PM, is in honor of a Teaneck police officer's son. There have been several serious accidents at the intersection of Demarest Ave and Floyd Street. Action will be taken to prevent accidents by putting a radar sign, a stop ahead sign on Demarest Ave, and a speed limit sign on Floyd Street. Some residents have voluntarily cut their bushes to further alleviate the problem. National Night Out is scheduled for August 6th, 7PM-10PM in the Police Department lot. The Police Department has issued 39 summonses to bicyclists during the last 30 days.

The Borough Attorney will review Piermont, New York's strict bicyclist ordinance and will advise. Councilwoman Jobson asked for clarification of the cost of tickets and revenue. She will look into the safety issue with Police Chief Cioffi and revenues with the CFO.

The Mayor commented that he is in agreement of placing a sign and some kind of extension at the intersection of Floyd Street and Demarest Ave, but not in favor of a 4 way stop sign.

Councilman Ferro suggested a small stop sign be placed in the middle of the road.

BOROUGH ATTORNEY stated that the bond ordinance for road improvements and the Riverside Cooperative Agreement will be introduced tonight. The Police Department has agreed on the rules and regulations for their new contract and when completed, it will be submitted to the PBA for signature. On the agenda tonight is a resolution for Deputy Chief Michael McMorrow's payoff for banked hours.

Councilwoman Simon spoke about the possibility of obtaining a grant for the beautification of Hudson Terrace which is a County road. The Palisades Interstate Parkway and the County will be involved in this project in conjunction with the DPW Superintendent and Borough Engineer.

BOROUGH CLERK reminded everyone that there is a Primary Election on Tuesday, August 13th with the same voting poll locations - Districts 1 & 2 at Upper School and Districts 3 & 4 at North Cliff School.

The Mayor announced that Resolution 105 - Authorization for the Mayor to sign Crown Castle NG East Contract has been added to the Consent Agenda for the Council's approval. Crown Castle is a telecommunication system approved by New Jersey State. They need to use the telephone poles for their antennae system and are in conformance with the Public Utilities Commission. They will be paying the town \$5000 per year.

The Borough Clerk read the following Resolutions:

- **RESOLUTIONS 2013:**
CONSENT AGENDA
 - 95- Riverside Cooperative Agreement
 - 96- Tax Appeal – 600 Palisade Avenue Associates
 - 97- Renew South Bergen JIF
 - 98- Rescind Resolution 2013-89

- 99- Transfer of Plenary License 0216-33-006-007
- 100- Renew 2012-2013 Plenary License 0216-33-006-007
- 101- Renew 2013-2014 Plenary License 0216-33-006-007
- 102- Renew 2013-2014 Plenary License 0216-33-001-004
- 103- Capital Budget Amendment
- 104- Banked Hours Payoff to Deputy Chief McMorrow
- 105- Authorization of Mayor to sign Crown Castle NG East contract

- **ORDINANCES 2013:**

PUBLIC HEARING *Open to the Public*

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

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

INTRODUCTION and FIRST READING - PUBLIC HEARING on August 14, 2013

07 - TEMPORARY PARKING PROHIBITION FOR SNOW PLOWING AND REMOVAL

08 - DESIGNATED BOROUGH PARKING

09 - ROAD IMPROVEMENTS AND OTHER RELATED EXPENSES

10 - SALARIES, WAGES AND COMPENSATION

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 Councilwoman Oh, and carried unanimously, the meeting was opened to the public for discussion on **resolutions**.

The following from the public spoke:

Lauren Eastwood, 4 Willow Drive, Englewood Cliffs, NJ 07632, commented that the Council discussed the Board of Health issue for fifteen minutes and never discussed her complaints about a water runoff problem at 6 Willow Street. The resident threatened litigation if the matter is not resolved. Ms. Eastwood is appalled with the contents of the Chief’s Police contract.

Councilwoman Simon stated Board of Health is a subdivision of this Council and all of their decisions affect the entire town. As per Ms. Eastwood’s issue with 6 Willow Drive, that strictly personal she stated.

Steve Rubinsky, 654 Summit Street, Englewood Cliffs, NJ 07632, addressed the safety issue for motorists and bicyclists on Hudson Terrace. The resident asked for clarification on employee banked hours and whether there is anyone else that has exceeded the 480 hours.

Jack Geyer, 34 Toni Drive, Englewood Cliffs, NJ 07632, expressed his concern for the motorists and bicyclists on Hudson Terrace.

Ted Tufano, 8 Marjorie Terrace, Englewood Cliffs, NJ 07632, thanked the Police Department for their prompt response to a recent medical emergency at his residence. He is very concerned about all the lawsuits in the town and is worried about increased property taxes.

Yan Lau, 11 Clifton Terrace, Englewood Cliffs, NJ 07632, stated that employees of a nearby restaurant are parking by his house at all hours due to a parking lot overflow and many cars are making U-turns on his street.

Mary O'Shea, 12 Irving Avenue, Englewood Cliffs, NJ 07632, was disappointed with the prior discussion regarding membership appointments for the Board of Health.

Council President Favaro spoke about the different commissions on the Board of Health. According to the municipal code that was read by the Mayor, the Mayor appoints all members including alternates with the consent of the Council.

The Borough Attorney disagreed with the membership appointment information given to the Board of Health President by former Borough Attorney Doug Doyle. Mr. Corrison will research the State Statute gratis to the Borough. .

Andrew Nikow, 54 Elm Street, Englewood Cliffs, NJ 07632, questioned if there has been an increase in OPRA requests and if they originated from the same source.

The Clerk advised that there has been an increase and have originated from the same source.

Mr. Nikow asked the Council if they would consider allowing the Municipal Clerk to notify the person mentioned in the OPRA about the requested information. The Mayor feels that this requirement could be a legal issue and that state legislature is pending regarding OPRAS.

Carol McMorrow, 9 Ridge Road, Englewood Cliffs, NJ 07632, stated that she was the Board of Health Liaison for two years and at the time recalls that Dr. Guarnaccia was informed by Susan Spohn, former Borough Administrator and former Borough Attorney, Doug Doyle, that the Board of Health President had the right to appoint alternates.

The Mayor informed Mrs. McMorrow that there is an inconsistency with the information and the proper State Statue will be instituted.

Steve Rubinsky, 654 Summit Street, Englewood Cliffs, NJ 07632, suggested that the Council consider incurring extra charges to any OPRA requestor who asks for personal information on a resident.

Maria Villari, 45 Jane Drive, Englewood Cliffs, NJ 07632. Mrs. Villari, Board of Health Secretary felt that the appointment issue should have been addressed in private.

After ample opportunity had been given for public discussion, Councilwoman Simon moved the public portion be closed. Motion was seconded by Councilwoman Oh and carried unanimously.

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 97 and left the podium. Council President Favaro chaired the meeting for Resolution 97.

On a motion by Councilwoman Jobson and seconded by Councilwoman Simon, Resolution 97 was offered for adoption.

ROLL CALL:

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

The Mayor returned to the podium.

On a motion by Council President Favaro, seconded by Councilwoman Simon, and carried unanimously, Resolutions 95, 96 and 98 through 105 were offered for adoption by Consent Agenda.

On a motion by Councilwoman Jobson and seconded by Council President Favaro, Resolutions 95, 96 and 98 through 105 were offered for adoption.

ROLL CALL:

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

NAYS: Councilperson Aversa - Resolution 104

RESOLUTION 13-95

WHEREAS, N.J.S.A. 40A:11-10(a) (1) authorizes contracting units to enter into cooperative pricing agreements; and

WHEREAS, the Borough of Haworth has volunteered to act as “Lead Agency” for the purchase of work, materials and supplies for the Riverside Cooperative, 35-RC, for the year 2013; and

WHEREAS, the Borough of Haworth received six (6) bids on May 21, 2013 for the 2013 Riverside Cooperative Road Improvement Program on behalf of the Boroughs of Bergenfield, Englewood Cliffs, New Milford, Northvale, River Edge, Tenafly and Haworth; and

WHEREAS, the bids have been tabulated and reviewed by Robert Costa, P.E. of Costa Engineering Corporation, who was retained by the Riverside Cooperative, 35-RC, to provide engineering services for this program; and

WHEREAS, DLS Contractors, Inc., submitted a base bid in the amount of \$1,189,712.90.

NOW, THEREFORE, BE IT RESOLVED that a contract be awarded to DLS Contractors, Inc., 633 Franklin Avenue, Suite 170, Nutley, New Jersey 07110, in the amount of \$138,625.25.

BE IT FURTHER RESOLVED that the Haworth Mayor and Municipal Clerk be and are hereby authorized and directed to execute a Master Contract with the above named firm for the 2013 Road Resurfacing Program acting as the Lead Agency on behalf of the Riverside Cooperative, RC-35; and

BE IT FURTHER RESOLVED that the Boroughs of Bergenfield, Englewood Cliffs, New Milford, Northvale, River Edge and Tenafly shall be responsible for entering into individual contracts with the above named firm covering the scope of work under the Base Bid for each respective municipality; and

BE IT FURTHER RESOLVED that the Englewood Cliffs Mayor and Municipal Clerk be and are hereby authorized and directed to execute a contract with the above named firm for the Borough of Englewood Cliffs' 2013 Resurfacing Program in the amount of \$138,625.25, including the base bid; and

BE IT FINALLY RESOLVED that this contract shall be subject to the pending availability of funds through bonding by the Borough of Englewood Cliffs.

RESOLUTION 13-96

WHEREAS, 600 Palisade Avenue Associates, is the owner of certain property located in the Borough of Englewood Cliffs, at Block 502, Lot 1, also known as 600 Palisade Avenue; and

WHEREAS, taxpayer has filed 2008, 2009, 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 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 600 Palisade Avenue Associates vs. Englewood Cliffs; and be it further

RESOLVED that for tax year 2008, the taxpayer will withdraw complaint, and the assessment of \$2,238,400 will remain intact; for tax year 2009, the taxpayer will withdraw complaint, and the assessment of \$2,238,400 will remain intact; for tax year 2010, the assessment of \$2,238,400 will be reduced to \$1,834,000, resulting in a refund of \$3,215; for tax year 2011, the assessment of \$2,238,400 will be reduced to \$1,834,000 resulting in a refund of \$3,210; for tax year 2012, the assessment of \$2,238,400 will be reduced to \$1,578,100, resulting in a refund of \$5,447; and for tax year 2013, the assessment of \$2,238,400 will be reduced to \$1,578,100, resulting in a refund of \$5,447 (based on 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 13-97

TITLE: AGREEMENT TO RENEW MEMBERSHIP, SOUTH BERGEN J.I.F.

WHEREAS, the South Bergen Municipal Joint Insurance Fund (hereinafter the Fund) is a duly chartered Municipal Insurance Fund as authorized by NJSA 40A:10-36 et seq; and

WHEREAS, the Borough of Englewood Cliffs is currently a member of said Fund; and

WHEREAS, effective December 31, 2013, said member ship will expire unless earlier renewed; and

WHEREAS, the Mayor and Council of the Borough of Englewood Cliffs has resolved to renew said membership;

NOW THEREFORE, it is agreed as follows:

1. Borough of Englewood Cliffs hereby renews its membership in the South Bergen Municipal Joint Insurance Fund for a three (3) year period, beginning January 1, 2014 and ending December 31, 2016 (12:01 am).
2. The Borough of Englewood Cliffs hereby ratifies and reaffirms the Indemnity and Trust Agreement, Bylaws and other organizational and operational documents of the South Bergen Municipal Joint Insurance Fund as from time to time amended and altered by the Department of Insurance in accordance with the Applicable Statutes and administrative regulations as if each and every one of said documents were re-executed contemporaneously herewith.
3. Borough of Englewood Cliffs agrees to be a participating member of the Fund for the period herein provided for and to comply with all of the rules and regulations and obligations associated with said membership.

4. In consideration of the continuing membership of the Borough of Englewood Cliffs in the South Bergen Municipal Joint Insurance Fund agrees, subject to the continuing approval of the Commissioner of Insurance, to accept the renewal application of the Borough of Englewood Cliffs.

RESOLUTION 2013-98

TITLE: Rescind Resolution 2013-89 - Renewal of Plenary Retail Consumption License 0216-33-006-007

Whereas the Mayor and Council of the Borough of Englewood Cliffs desires to rescind Resolution 2013-89 for liquor license 0216-33-006-007;

Therefore be it resolved that the Mayor and Council of the Borough of Englewood Cliffs hereby rescinds Resolution 2013-89 for liquor license 0216-33-006-007.

RESOLUTION 13-99

TITLE: TRANSFER OF PLENARY LICENSE #0216-33-006-007 PERSON TO PERSON

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License 0216-33-006-007, heretofore issued to Shaddai Inc. for premises located at 464 Sylvan Avenue, Englewood Cliffs, New Jersey 07632;

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;

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

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; and

NOW, THEREFORE BE IT RESOLVED that the Englewood Cliffs Governing body does hereby approve, the transfer of the aforesaid Plenary Retail Consumption License to Kwon Il Yeon 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 Kwon Il Yeon, effective **NUNC PRO TUNC** to June 30, 2012.

RESOLUTION 2013-100

TITLE: Renewal of Plenary Retail Consumption License – 2012-2013

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

WHEREAS, no protests have been filed with the 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 applicant, subject to payment of the proper fees as set forth in the Borough Ordinance.

State Issued License Number	Name and Mailing Address
#0216-33-006-007	Kwon Il Yeon 288 South Blvd. Upper Grandview, NY 10960

RESOLUTION 2013-101

TITLE: Renewal of Plenary Retail Consumption License – 2013-2014

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

WHEREAS, no protests have been filed with the 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 applicant, subject to payment of the proper fees as set forth in the Borough Ordinance.

State Issued License Number	Name and Mailing Address
#0216-33-006-007	Kwon Il Yeon 288 South Blvd. Upper Grandview, NY 10960

RESOLUTION 2013-102

TITLE: Renewal of Plenary Retail Consumption License - Assembly

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

WHEREAS, no protests have been filed with the 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 applicant, subject to payment of the proper fees as set forth in the Borough Ordinance.

State Issued License Number	Name and Address
#0216-33-001-004	11K Restaurant Corporation 495Sylvan Avenue T/A Assembly Steakhouse

RESOLUTION 2013-103

CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2013 was adopted on the 12th day of June, 2013; and,

WHEREAS, it is desired to amend said adopted capital budget section,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Englewood Cliffs, County of Bergen, that the following amendment(s) to the adopted capital budget section of the 2013 Budget be made:

RECORDED	(((
VOTE	(((
(Insert Last Names)	AYES (NAYS (ABSTAIN (
	(((

**FROM
CAPITAL BUDGET (CURRENT YEAR ACTION)
2013**

1	2	3	4	5a	5b	5c	5d	5e	6
Project	Project Number	Estimated Total Cost	Amounts Reserved in Prior Years	2013 Budget Appropriation	Capital Improvement Fund	Capital Surplus	Grants in Aid and other funds	Debt Authorized	To Be Funded in Future Years
Various Improvements	2013-1	400,000			20,000			380,000	
Total All Projects		800,000			30,000			570,000	200,000

3 YEAR CAPITAL PROGRAM 2013-2015

**Anticipated Project Schedule
and Funding Requirement**

1	2	3	4	5					
				Funding Amounts Per Year					
Project	Project Number	Estimated Total Cost	Estimated Completion Time	Budget Year 2013	Budget Year 2014	1	2	3	4
Various Improvements	2013-1	400,000		400,000		2015	2016	2017	2018
Total All Projects		800,000		600,000	100,000	100,000			

**3 YEAR CAPITAL PROGRAM 2013-2015
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

1	2	3	4	5	6	BONDS AND NOTES				
						General	Liquidating	Assessment	School	
Project	Estimated Total Cost	Current Year 2013	Future Years	Capital Improvement Fund	Capital Surplus	Grants in Aid and Other Funds				
2013-1	1,555,000			69,000		150,000	1,336,000			
Total All Projects		1,955,000		89,000		150,000	1,716,000			

Be It Further Resolved that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

**3 YEAR CAPITAL PROGRAM 2013-2015
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

1 Project	2 Estimated Total Cost	Current Year 2013	Future Years	4 Capital Improvement Fund	5 Capital Surplus	6 Grants in Aid and Other Funds	BONDS AND NOTES		
							General	Liquidating	Assessm
Total All Projects	800,000			40,000			760,000		

**TO
CAPITAL BUDGET (CURRENT YEAR ACTION)**

1 Project	2 Project Number	3 Estimated Total Cost	4 Amounts Reserved in Prior Years	5a 2013 Budget Appropriation	5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid and other funds
Total All Projects		1,955,000			79,000		150,000

**3 YEAR CAPITAL PROGRAM 2013-2015
Anticipated Project Schedule
and Funding Requirement**

Project	2 Project Number	3 Estimated Total Cost	4 Estimated Completion Time	5 Funding Amounts Per Year		
				Budget Year	Budget Year	Budget Year
				2013	2014	2015
Various Improvements	2013-1	1,555,000		1,555,000		

RESOLUTION 2013-104

WHEREAS, Deputy Chief Michael McMorrow has accumulated 702.5 compensatory hours over the maximum allowable time under the Fair Labor Standards Act; and

WHEREAS, Deputy Chief Michael McMorrow and the Borough of Englewood Cliffs wish to reach an agreement to establish a payment schedule for these 702.5 hours.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Englewood Cliffs shall pay Deputy Chief Michael McMorrow at his overtime rate of \$147.04 per hour for 702.5 hours pursuant to the Fair labor Standards Act and that the payments will be made in three (3) installments as follows:

\$34,431.86 on July 2013

\$34,431.87 on January 2014

\$34,431.87 on January 2015

BE IT FURTHER RESOLVED, that the Mayor is further authorized to sign an agreement with Deputy Chief Michael McMorrow in regard to same.

RESOLUTION 13-105

WHEREAS, Crown Castle NG East, Inc. has made application to Englewood Cliffs for a Right-of-Way Agreement; and

WHEREAS, the municipal attorney has reviewed and approved same

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.

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

On a motion by Councilwoman Simon seconded by Councilwoman Oh and carried unanimously, the public hearing for 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”, is held over for public hearing on August 14, 2013.

13-06 – PROPOSED FEE ORDINANCE SCHEDULE *(submitted by the Planning Board)*

On a motion by Councilwoman Simon seconded by Councilwoman Jobson and carried, the public hearing was opened relative to 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”

There being no discussion, the public hearing was closed on motion by Councilwoman Simon, seconded by Councilwoman Jobson.

On a motion by Councilwoman Jobson seconded by Council President Favaro, Ordinance 13-06 was adopted.

ROLL CALL:

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

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:

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.

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**

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.

INTRODUCTION of ORDINANCES

Ordinance 13-07 – TEMPORARY PARKING PROHIBITION FOR SNOW PLOWING AND REMOVAL

On a motion by Councilwoman Jobson seconded by Council President Favaro and carried, Ordinance 13-07 has been withdrawn and held for the August 14, 2013 meeting.

Ordinance 13-08 – DESIGNATED BOROUGH PARKING

On a motion by Council President Favaro seconded by Councilwoman Jobson and carried, the public hearing was opened relative to Ordinance 13-08 entitled “AN ORDINANCE AMENDING CHAPTER III ENTITLED “POLICE REGULATIONS”, SPECIFICALLY SECTION 3-7; SECTION 3-12.2(c); SECTION 3-12.4; 3-12.6, AND 3-12.7 AND FURTHER AMENDING CHAPTER VII, ENTITLED “TRAFFIC”, SPECIFICALLY SECTION 7-3.3; SECTION 7-10.2;” was introduced and passed on the first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **August 14, 2013**.

ROLL CALL:

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

Ordinance 13-09 – ROAD IMPROVEMENTS AND OTHER RELATED EXPENSES

On a motion by Council President Favaro seconded by Councilwoman Oh and carried, Ordinance 13-09 entitled “AN ORDINANCE OF THE BOROUGH OF ENGLEWOOD CLIFFS, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR ROAD AND PARKING LOT RECONSTRUCTION AND IMPROVEMENTS TO FIREHOUSE AND OTHER RELATED EXPENSES IN AND FOR THE BOROUGH OF ENGLEWOOD CLIFFS AND APPROPRIATING \$1,555,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,336,000 IN BONDS OR NOTES OF THE BOROUGH OF ENGLEWOOD CLIFFS TO FINANCE THE SAME” was introduced and passed on the first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **August 14, 2013**.

ROLL CALL:

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

Ordinance 13-10 – SALARIES, WAGES AND COMPENSATION

On a motion by Council President Favaro seconded by Councilwoman Simon and carried, Ordinance 13-10 entitled “AN ORDINANCE FIXING SALARIES, WAGES AND

COMPENSATION for all salaried, appointed and elected Officers within the Borough of Englewood Cliffs, in the County of Bergen, and State of New Jersey” **was introduced and passed on the first reading.**

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **August 14, 2013.**

ROLL CALL:

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

MAYOR PARISI STATED:

“IF THERE WAS ANY UNFINISHED BUSINESS AT THIS TIME

UNFINISHED / NEW BUSINESS:

Councilwoman Simon addressed Councilman Ferro as to the reason he did not introduce an ordinance at tonight’s meeting regarding the five pump stations. Councilman Ferro explained he needs additional information. Discussion continued and it was decided that DPW Superintendent, Mark Neville, will find out the cost for each generator. The engineer’s estimate for repair of the roof on Lyncrest is approximately \$5500.

Councilwoman Jobson asked the Superintendent how long it will take to get all of the estimates .The Mayor asked DPW Superintendent, and Councilman Ferro to work on a feasibility study. Mr. Neville will obtain estimates for roof repair of the pump stations, including any other damages within the next two weeks.

Seeing and Hearing none, the meeting was adjourned at 9:49 pm.

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

ATTEST:

APPROVED:

Lisette M. Duffy, Acting Municipal Clerk

Joseph C. Parisi, Jr. Mayor