

OPRA Request of February 23, 2012  
Borough of Englewood Cliffs

Please accept this e-mail/fax as my request for government records in accordance with the Open Public Records Act (OPRA) and the common law right of access. Please respond and send all responsive documents to me via e-mail at [paff@pobox.com](mailto:paff@pobox.com). If e-mail is not possible, please fax responses and responsive records to me at 908-325-0129. Also, I would appreciate it if you would acknowledge your receipt of this e-mail.

Records requested:

1. Agendas of all Borough Council meetings, both public and executive, held between April 20, 2010 and June 15, 2010.
2. Minutes of all Borough Council meetings, both public and executive, held between April 20, 2010 and June 15, 2010. Specifically included within this request are the minutes of the caucus and regular meetings held on or about May 12, 2010.
3. I'm interested in learning if the Borough Council established a committee or other smaller group to work with the school board, or a committee established by the school board, to deal with the voter's rejection of the school budget at the April 20, 2010 election. My understanding is that the Board (or its committee) and the Council (or its committee) agreed to propose that that Council cut the budget by \$87,000. For any such committee established by the Borough Council, I want the minutes, note, reports or other writings (including e-mails) written or received by the committee or any member thereof.

Thank you.

John Paff  
(voice - 732-873-1251)

March 3, 2012 Response to OPRA request

John,

This is in response to your OPRA request of February 23, 2012 to the Borough of Englewood Cliffs.

Requests 1 & 2

Attached you'll find the Agendas and Minutes of all Borough Council meetings, both public and executive held between April 20, 2010 and June 15, 2010. This fulfills your requests 1 & 2.

Request 3

I did not become the Borough Clerk in Englewood Cliffs until February of 2011. So I do not have direct knowledge of the operations of the Council prior to that time. However, after an exhaustive search, there appears to no records of the activities of any committee established by the Borough Council to work with the school board to deal with the voter's rejection of the school budget at the April 20, 2010.

Perhaps the School Board has records of such a meeting.

Thank you.

Susan

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

**SPECIAL MEETING AGENDA**

**DATE:** May 3, 2010

**TIME:** 8:00 AM

**PLACE:** Administration Building, 482 Hudson Terrace, Englewood Cliffs

**PURPOSE:** Introduction of Municipal Budget  
And School Budget Discussion

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CALL TO ORDER

ROLL CALL:

OPEN PUBLIC MEETINGS STATEMENT:

BUDGET INTRODUCTION:

**Resolutions**            **2010-73 Revenue and Appropriations**  
                                 **2010-74 Defer School Tax Levy**  
                                 **2010-75 Reserve for Uncollected Taxes**  
                                 **2010-76 Self Exam Budget Review**

**Ordinance**            **2010-05 CAP Rate Ordinance Introduction**

**New Items**            **Defeated School Budget Discussion**  
**Old Items**

**Public Portion:**

**ADJOURN:**

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

**MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND COUNCIL**

**DATE: May 3, 2010**

**PURPOSE: Introduction of Municipal Budget and School Budget Discussion**

**CALL TO ORDER AT: 8:00am**

**PRESENT AT ROLL CALL:**

Mayor	Joseph C. Parisi, Jr.
Councilman President	Robert Agresta (8:09)
Councilman	Eric Petrone (8:05)
Councilwoman	Carrol McMorrow
Councilman	Ilan Plawker
Councilman	Martin Asatrian
Councilman	Thomas Manolio

**ALSO PRESENT:**

Borough Attorney	Fred Semrau, Esq.
CFO	Joe Iannaconi
Borough Auditor	Paul Garbarini
Acting Municipal Clerk	Ilene Cohen

**OPEN PUBLIC MEETINGS ACT STATEMENT:**

"ADEQUATE NOTICE OF THIS SPECIAL MEETING WAS GIVEN TO THE RECORD AND PRESS JOURNAL AND POSTED AS REQUIRED.

DATE AND TIME OF THIS SPECIAL MEETING WAS LEGALLY GIVEN AS REQUIRED BY THE "OPEN PUBLIC MEETINGS ACT."

THIS NOTICE IS ON FILE WITH THE BOROUGH CLERK'S OFFICE AND POSTED ON THE BULLETIN BOARD.

Mayor Parisi asked the professionals if they wished to say anything before the meeting got under way.

Mr. Iannaconi explained that the 2010 appropriations were up \$788,871, and that the Borough was 2,349,000 under the appropriations cap. This would be a 3.8 cent increase in points.

Mayor Parisi noted that this meeting would be to introduce the budget, but that it could be amended prior to adoption; however, the budget must be introduced now. He advised that the capital budget was not finalized but that there was a down payment amount for bonding of \$100,000 which was included in the municipal budget as required. This amount would allow for a bond of up to \$2,000,000.

There was a brief discussion on various items – whether they were included in the total numbers.

Currently, the library number is listed at \$210,000. The agreement has not been finalized but that is the number Council had offered.

The health benefit contribution amounts were discussed, but Mr. Garbarini advised that those numbers were not yet known and therefore had not been included in the budget calculations.

Mr. Garbarini advised that this introduction would be step 1 in the total process. If any amendments were small enough, they would not require re-advertising them before the public hearing and the finalized budget could be adopted right after the hearing. He advised that any amendments should be put together one week prior to the hearing so that his office could evaluate and determine if re-advertising would be necessary. If so, the requirement is only for 3 days prior to the hearing.

Council agreed to finalize prior to May 31.

Mr. Garbarini advised that he had already had a meeting with the Division of Local Government Services where some of these issues had been raised so that the correct procedures would be followed.

### **Introduction of the 2010 Municipal Budget**

#### **RESOLUTIONS:**

**Council President Agresta moved to adopt Resolutions 2010-73, 2010-74, 2010-75, and 2010-76.**

**Upon second by Councilwoman McMorrow, motion carried and Resolutions were adopted.**

#### **ROLL CALL:**

**AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio**

**NAYS:**

**ABSTAIN:**

## **BOROUGH OF ENGLEWOOD CLIFFS MUNICIPAL BUDGET 2010 RESOLUTION 10-73**

**Be it Resolved**, that the following statements of revenue and appropriations shall constitute the introduced Municipal Budget for the year 2010;

General Appropriations	
Appropriations within "CAPS" - Municipal Purposes	\$9,384,545.00
Appropriations excluded from "CAPS" - Municipal Purposes	3,734,116.00
Reserve for Uncollected Taxes	351,788.00
Total General Appropriations	13,470,449.00
Less: Anticipated Revenues	2,200,099.00
<b>Amount to be Raised by Taxes for Support of Municipal Budget</b>	<b>\$11,270,350.00</b>

The Governing Body of the Borough of Englewood Cliffs does hereby introduce the above as the Budget for the year 2010.

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Ilene Cohen, Acting Borough Clerk

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Joseph C. Parisi, Jr., Mayor

**BOROUGH OF ENGLEWOOD CLIFFS  
BUDGET RESOLUTION  
10-74**

**RESOLUTION**      RE: Requesting the approval of the Director of Local Government Services to defer school taxes:

**WHEREAS**, the local district school tax levy for the 2009-2010 school year is \$ 9,463,355.00.

**BE IT RESOLVED**, that the Borough of ENGLEWOOD CLIFFS does hereby request the consent of the Director of the Division of Local Government Services in the Department of Community Affairs to defer \$ 4,731,677.50.

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Ilene Cohen, Acting Borough Clerk

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Joseph C. Parisi, Jr., Mayor

**BOROUGH OF ENGLEWOOD CLIFFS  
BUDGET RESOLUTION  
10-75**

**WHEREAS**, the Borough of Englewood Cliffs has elected to use the average percentage of collections for the preceding 3 years for the purpose of calculating the Reserve for Uncollected Taxes:

2009	98.23%
2008	98.75%
2007	<u>99.15%</u>

Average Percentage of Collection: 98.71%

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Ilene Cohen, Acting Municipal Clerk

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Joseph C. Parisi, Jr., Mayor

**BOROUGH OF ENGLEWOOD CLIFFS  
RESOLUTION 10-76**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 the BOROUGH of ENGLEWOOD CLIFFS has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the BOROUGH meets the necessary conditions to participate in the program for the 2010 budget year, so now therefore

**BE IT RESOLVED**, by the BOROUGH Council of the BOROUGH of ENGLEWOOD CLIFFS that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification, the governing body has found the budget has met the following requirements:

1. That with reference of the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A 40A:45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (Complies with the “CAP” law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
- a. All estimates of revenue are reasonable, accurate, and correctly stated,
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement, and content the budget will permit the exercise
  - d. of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES UPON ADOPTION.**

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Ilene Cohen, Acting Municipal Clerk

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Joseph C. Parisi, Jr., Mayor

**ORDINANCES**

**Introduction of Ord. 2010-05 CAP Rate**

**Council President Agresta moved to introduce Ordinance 2010-05 by title only. Upon second by Councilman Asatrian, motion carried.**

**ROLL CALL:**

**AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio**

**NAYS:**

**ABSTAIN:**



**BOROUGH OF ENGLEWOOD CLIFFS  
CALENDAR YEAR 2010  
ORDINANCE TO EXCEED MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**Introduction of Ordinance 2010-05**

**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 can authorize 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 Mayor and Council of the Borough of Englewood Cliffs in the County of Bergen finds it advisable and necessary to increase its CY 2010 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 Mayor and Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 351,230 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and 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 2010 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 to 3.5 %, amounting to \$ 351,230, and that the CY 2010 municipal budget for the Borough of Englewood Cliffs be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, 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 indicated thereon, be filed with said Director within 5 days of adoption.

\_\_\_\_\_  
Ilene Cohen, Acting Borough Clerk

\_\_\_\_\_  
Joseph C. Parisi, Jr., Mayor

Ms. Cohen advised that the public hearing on the Municipal budget and the second reading of Ordinance 2010-05 would be June 9, 2010.

**Introduction of the 2010 Municipal Budget**

**Council President Agresta moved to introduce the 2010 Municipal Budget. Upon second by Councilman Petrone, motion carried.**

**ROLL CALL:**

**AYES:** Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

**NAYS:**

**ABSTAIN:**

**BOROUGH OF ENGLEWOOD CLIFFS  
MUNICIPAL BUDGET 2010**

**Be it Resolved**, that the following statements of revenue and appropriations shall constitute the introduced Municipal Budget for the year 2010;

General Appropriations	
Appropriations within "CAPS"	- Municipal Purposes \$9,223,070.70
Appropriations excluded from "CAPS"	- Municipal Purposes 3,649,116.00
Reserve for Uncollected Taxes	348,566.00
Total General Appropriations	13,220,752.70
Less: Anticipated Revenues	2,200,099.00
<b>Amount to be Raised by Taxes for Support of Municipal Budget</b>	<b>\$11,020,653.70</b>

The Governing Body of the Borough of Englewood Cliffs does hereby introduce the above as the Budget for the year 2010:

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

\_\_\_\_\_  
Joseph C. Parisi, Jr., Mayor

### School Budget

Mayor Parisi started a discussion on what Council would be doing to review the defeated school budget. The Council has until May 19 to take action on the failed budget. He noted that the School Board had made program reductions prior to the public vote and that all of their State aid, about \$500,000, had been taken away. He advised that he had met with Councilwoman McMorrow, Councilman Agresta, the Superintendent, the Board President and the Business Administrator to review the budget.

Councilman Plawker asked Mr. Semrau if he would be able to be in on the resolution for the revised school budget since he was also on the State Board. He noted the Board had advised that that they did not consider it a conflict of interest. Mayor Parisi advised that he would refer the question to the Borough Attorney.

Councilwoman McMorrow advised what items had been discussed at the meeting she attended, which included the resignations of 2 employees which would be about \$230,000. They could save a minimum of \$75,000 to \$100,000 even after they would hire two new employees. They said they had no wiggle room and not sure if they were aware of the 3 major resignations that we were not made aware of when we met with the school. Other items included: they have surplus (\$115,000), contractual and salary increases. She suggested Council hire a consultant to assist in reviewing the Board's budget to see where they could suggest cuts.

Mr. Garbarini said that the State is making them use a portion of their surplus

Councilwoman McMorrow said that Mary Welfel was very helpful and said the teachers are in negotiations right now. She gave them the proposed increases for all of the teachers that they included in their budget, 4% increases for everyone across the board. So my question was how does that work?

Councilman Plawker remarked to not forget the 1.5% the teachers have to contribute from their salaries.

Mr. Garbarini added that State aid would be available if they do not ask for an increase.

Councilwoman McMorrow was curious about how far negotiations had gone.

If we ask Municipal employees to take a pay freeze how come the teachers can't do the same?

Councilman Plawker responded that they are not our employees.

Councilwoman McMorrow asked who does the negotiating for the school.

For the teachers Councilman Plawker explained that the Union delegate negotiates for the school.

Ms. Cohen explained that the School Board attorney, mediator, and the school Board members on the negotiating committee, Joe Luppino and Ron Ofeck, are present at negotiation meetings. The principal, Superintendent, and Business Administrator are not present.

Councilwoman McMorrow said she called Mr. Semrau and he said schools in other districts are getting an outside auditor to look at the schools budget line by line.

The cost for the outside consultant is \$1500.

Councilman Plawker thought the council has always handled this easily in the past.

Councilman Petrone said that doesn't mean its right.

The Mayor asked everyone to keep in mind that we've always had a good relationship with our schools and that they can just as easily affect our budget as we can affect theirs. They could turn around and charge for recreation or using the facilities.

Councilwoman McMorrow said she is receiving calls from more parents than seniors about the school's budget.

Councilman Plawker said we have parents that are happy and education has nothing to do with the budget. Our test scores are not as high as they should be. Why don't we push on retirements and we would be saving.

The Mayor said the one town that hired a consultant and it was \$10,000. The fact is that we only have until May 19<sup>th</sup> and no qualified consultant can review everything in such a short amount of time.

Councilman Petrone asked that if the consultant was qualified would you be in agreement.

Mr. Garbarini said that he agreed with the Mayor that there is very little time to decide and the Council needed to act quickly. He is a fan of negotiated agreements instead of hiring a firm. It seems like you already

Councilman Plawker said that the Council had always been able to negotiate easily with the school in the past. He said the Council should agree on a number, whether it's \$400,000, the 4%, and then tell them they should review and come back to the Council. He felt that one or two resignations could satisfy reductions.

Mr. Garbarini made some suggestions on how to approach the matter and noting the insight of Ms. Cohen from her Board of Education background.

Ms. Cohen stated that only the school board is involved in negotiations, along with the board Attorney. Councilwoman McMorrow was concerned about having Ms. Cohen contribute as it may be a conflict. The Mayor said it was not a conflict and Ms. Cohen said that there was little to discuss as negotiations had only just begun.

Further discussions followed on the review process and Council's options of how to proceed. Councilwoman McMorrow felt that the school should have disclosed the two retirements that they knew about. She felt that there is a defeated school budget and a lot of people want a lot of money cut. Councilman Plawker said that there were 30 people in the whole town who voted against the budget and Councilwoman McMorrow felt that was 5% of the people who voted. Councilman Plawker pointed out that was 20% of the people who were eligible to vote.

Discussion among all of the council ensued and Mr. Garbarini explained how his company would conduct an audit of a school's budget. The hardest part of this whole thing is the clock.

Mayor Parisi wants to negotiate and be fair.

Councilman Plawker said once again that the Council should agree on a number, whether it's \$400,000, the 4%, we discussed it we analyzed it and these are the numbers and then tell them they should come back to the Council with what they are going to cut.

Mayor Parisi thought that there were pending retirements and he wasn't clear on how certain they were. If they were to occur then they now they have the 4% in the budget and there's a reason for that. When they finalize the negotiations they have to have something in there to pay whatever the negotiated agreement winds up being.

Councilwoman McMorrow said that all the non unions are at a 4% also and that's more money that should be looked at.

Councilman Asatrian asked Acting Clerk/Administrator Ilene Cohen to speak. She said Councilman Plawker had 30 years more experience, but anything said would not be divulging anything confidential because negotiations had just barely started. Negotiation Committee knew that the Governor would be setting certain limits and they wouldn't have to negotiate them (like the 1.5%). We had only met once. We talked about cleaning up contract language. It is a process and they don't want to potentially lose any more. Process is similar to what Joe I. does. They put in the maximum amount that they could settle on, hoping that is not what settlement is reached. But this has to be done because you can't wind up settling on a percentage that was never put into the budget. Tape machine is running and Ms. Cohen felt that the 4% is there just as a buffer. If our town settled on those numbers, we would be one of the only people to settle that high. Mr. Plawker said that is the bottom line. He asked about throwing out courtesy busing.

Councilwoman McMorrow said that's why we should get the \$1500 analysis.

Councilman Plawker believed going to an outside consultant was a waste and that the council was doing this now. When I was on the School Board we always put the padding in there. They know they have to cut.

Mayor Parisi said there were three options: To hire an outside consultant, to hire a different consultant, or to go back to the school board with information and take \$170,000 off, or 2% off the budget, or retirement. We stated that we are on the same team as the school. It's not us vs. them. He felt it was best not to worry about political ramifications, the school can't take too much of a hit. I don't believe they are holding that much back.

Councilman Plawker said the teachers are getting out because they know what's coming down from the Governor and they want to protect their retirement.

Councilman Agresta asked if Council really thought that the general public wants the layoffs that come with a 20% reduction in school budget.

Mayor Parisi felt that the Council didn't need to go to war. He recommended meeting with the Business Administrator and asked Councilman Plawker to look closely at the numbers.

Councilwoman McMorrow said that she would like to hear more about busing from the school. She felt that they were totally representing something different and it was a major part of the conversation they had with them.

Ms. Cohen explained the busing and that there would still be parts that were mandatory. The busing would have to continue within the 2 mile circle around the school. The portion that could be discontinued would only save \$130,000.

Mayor Parisi felt that timing is our worst enemy and wanted to meet again with School Board.

Council was to try to meet again on Wednesday to go over the budget with the Board members.

With no further business to be addressed, Mayor Parisi adjourned the meeting at 11:00am.

**ATTEST:**

**APPROVED:**

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**Ilene Cohen, Acting Municipal Clerk**

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**Joseph C. Parisi, Jr., Mayor**

**BOROUGH OF ENGLEWOOD CLIFFS  
10 KAHN TERRACE  
BERGEN COUNTY, NEW JERSEY**

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**CAUCUS MEETING AGENDA – MAY 12, 2010**

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**CALL TO ORDER AT 6:30 P.M.**

**ROLL CALL:**

**"OPEN PUBLIC MEETINGS ACT" STATEMENT**

**CLOSED SESSION:** Resolution 10-83

**PURCHASE ORDERS TO BE REVIEWED BY FINANCE COMMITTEE**

**DEPARTMENT REPORTS:**      Police Report of April, 2010  
   Court Report of April, 2010  
   Construction Code Officials Report of April, 2010  
   Collector/Treasurer's Report of March, 2010

**CLAIMS FOR THE PERIOD OF April 15, 2010 to May 12, 2010**

**RESOLUTIONS:**

**If anyone wishes to comment on any Resolution, listed below, they may do so at this time.**

<b>2010-</b>	<b>26</b>	<b>Contract Negotiations</b>
	<b>72</b>	<b>AT&amp;T</b>
	<b>77</b>	<b>Audit Compliance</b>
	<b>78</b>	<b>Rejecting all Elevator Bids</b>
	<b>79</b>	<b>Authorizing Shared Services C-3 Phone System</b>
	<b>80</b>	<b>Appointing Fire Protection Inspector</b>
	<b>81</b>	<b>Appoint Deputy Clerk</b>
	<b>82</b>	<b>Appoint Volunteer Translator for Police Dep't</b>
	<b>84</b>	<b>Tax Appeal 228-244 Main Garden Corp., 42 Marjorie Terrace</b>
	<b>85</b>	<b>Tax Appeal Sylvan Cliffs, LLC, 180 Sylvan Ave</b>
	<b>86</b>	<b>Tax Appeal Bedrock Realty, 720 Palisade Ave</b>
	<b>87</b>	<b>School Budget Resolution</b>
	<b>88</b>	<b>Synopsis of MEL JIF Policy Manual Changes</b>
	<b>89</b>	<b>Bond Anticipation Note</b>

Mayor's Appointment- Planning Board Member- Matthew Travato- 12/31/12 (completing term of DK Min)

**ORDINANCES: INTRODUCTION**

<b>2010-06</b>	<b>Easement and Indemnification Agreement 6 Raymond St.</b>
<b>2010-07</b>	<b>Amend and Supplement Chapter 9, with addition of 9-24 business zoning applications</b>
<b>2010-08</b>	<b>Ordinance Amending and Supplementing Chapter 9-1.3-Fees for roofing</b>
<b>2010-09</b>	<b>Amend Local Assistance Board</b>

**ORDINANCES: PUBLIC HEARING AND ADOPTION**

<b>2010-04</b>	<b>Easement and Indemnification Agreement-520 Floyd St.</b>
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**OTHER BUSINESS:**      Correspondence

**PROCLAMATIONS:**      Arbor Day, 2010  
   Click it or Ticket

**REPORT OF STANDING COMMITTEES**

**REPORT OF SPECIAL COMMITTEES**

**REPORT OF BOROUGH ATTORNEY**

**REPORT OF BOROUGH ENGINEER**

**OLD BUSINESS:**

**NEW BUSINESS:**              Electronic Message Board

**EVENT ANNOUNCEMENTS:**      Memorial Day Ceremony 9:30AM  
   Memorial Day Street Fair Rescheduled

**PUBLIC PORTION:**

**ADJOURN:**

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

**MINUTES OF THE CAUCUS MEETING OF MAY 12, 2010**

**CALL TO ORDER AT 6:30 P.M.**

**PRESENT AT ROLL CALL:**

Mayor	Joseph C. Parisi, Jr.
Council President	Robert Agresta
Councilman	Eric Petrone
Councilwoman	Carrol McMorrow
Councilman	Ilan Plawker
Councilman	Martin Asatrian
Councilman	Thomas Manolio

**ALSO PRESENT:**

Borough Attorney	Fred Semrau
Borough Engineer	Bernard Mirandi
Chief of Police	Thomas Bauernschmidt (absent)
Deputy Chief	Michael Cioffi
Supt. of Public Works	Mark Neville
Acting Municipal Clerk	Ilene Cohen

**MAYOR PARISI ASKED THAT THE FOLLOWING STATEMENT BE READ:**

Adequate notice of this meeting was given to the press and posted as required. Date and time of this meeting 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.

**CLOSED SESSION: RESOLUTION 2010-83**

**Council President Agresta moved to go into closed session. Upon second by Councilman Manolio, Resolution 10-83 was offered for adoption. Motion carried and Resolution was adopted.**

**ROLL CALL:**

**AYES:** Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

**NAYS:**

**ABSTAIN:**



**RESOLUTION 10-83**

**A RESOLUTION OF THE BOROUGH OF ENGLEWOOD CLIFFS,  
COUNTY OF BERGEN AND STATE OF NEW JERSEY**

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Borough Council of the Borough of Englewood Cliffs on the 12<sup>th</sup> day of May, 2010 that:

1. Prior to the conclusion of this **Caucus Meeting**, the Borough Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, subsection (s):
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court. \_\_\_\_\_
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.  
\_\_\_\_\_
  - ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy. \_\_\_\_\_
  - ( ) b. (4) A collective bargaining agreement including negotiations.  
\_\_\_\_\_
  - ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.  
\_\_\_\_\_
  - ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.  
\_\_\_\_\_
  - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege. Police negotiations, elevator bid, former Admin. sep. agreement, DPW Negotiations, Tax Appeals.
  - (X) b. (8) Personnel matters. Deputy Clerk Position
  - ( ) b. (9) Deliberations after a public hearing that may result in penalties.  
\_\_\_\_\_
  
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted:

Adopted this 12th day of May, 2010  
and certified as a true copy of an original.

\_\_\_\_\_  
Ilene Cohen, Acting Borough Clerk

Council went into closed session at 6:40pm.

**OPEN SESSION:**

Councilman Asatrian moved to return to open session. Upon second by Councilwoman McMorrow, motion carried at 8:40pm.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**NEW BUSINESS**

There was no new business to discuss at this time.

**OLD BUSINESS**

There was no old business to discuss at this time.

**ADJOURN:** Mayor Parisi adjourned the Caucus meeting at 8:41pm.

**ATTEST:**

**APPROVED:**

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**Ilene Cohen, Acting Municipal Clerk**

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**JOSEPH C. PARISI JR., MAYOR**

**BOROUGH OF ENGLEWOOD CLIFFS  
10 KAHN TERRACE  
BERGEN COUNTY, NEW JERSEY**

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**REGULAR MEETING AGENDA – MAY 12, 2010**

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**CALL TO ORDER AT 8:00 P.M.**

**ROLL CALL:**

**FLAG SALUTE:**

**"OPEN PUBLIC MEETINGS ACT" STATEMENT**

**CLOSED SESSION:** Resolution 10-83

**DEPARTMENT REPORTS:**      Police Report of April, 2010  
   Court Report of April, 2010  
   Construction Code Officials Report of April, 2010  
   Collector/Treasurer's Report of March, 2010

**CLAIMS FOR THE PERIOD OF April 15, 2010 to May 12, 2010**

**RESOLUTIONS:**

**If anyone wishes to comment on any Resolution, listed below, they may do so at this time.**

2010-	<b>26</b>	<b>Contract Negotiations</b>
	72	AT&T
	77	Audit Compliance
	78	Rejecting all Elevator Bids
	79	Authorizing Shared Services C-3 Phone System
	80	Appointing Fire Protection Inspector
	81	Appoint Deputy Clerk
	82	Appoint Volunteer Translator for Police Dep't
	84	Tax Appeal 228-244 Main Garden Corp., 42 Marjorie Terrace
	85	Tax Appeal Bedrock Realty, 720 Palisade Ave
	86	Tax Appeal Sylvan Cliffs, LLC, 180 Sylvan Ave
	87	School Budget Resolution
	88	Synopsis of MEL JIF Policy Manual Changes
	89	Bond Anticipation Note

Mayor's Appointment- Planning Board Member- Matthew Travato- 12/31/12 (completing term of DK Min)

**ORDINANCES: INTRODUCTION**

2010-06	Easement and Indemnification Agreement 6 Raymond St.
2010-07	Amend and Supplement Chapter 9, with addition of 9-24 business zoning applications
2010-08	Ordinance Amending and Supplementing Chapter 9-1.3-Fees for roofing
2010-09	Amend Local Assistance Board

**ORDINANCES: PUBLIC HEARING AND ADOPTION**

2010-04	Easement and Indemnification Agreement-520 Floyd St.
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**OTHER BUSINESS:**      Correspondence

**PROCLAMATIONS:**      Arbor Day, 2010  
   Click it or Ticket

**COMMITTEE REPORTS:**

**REPORT OF BOROUGH ATTORNEY:**

**REPORT OF BOROUGH ENGINEER:**

**OLD BUSINESS:**

**NEW BUSINESS:**              Electronic Message Board

**EVENT ANNOUNCEMENTS:**      Memorial Day Ceremony, 9:30am  
   Memorial Day Street Fair Rescheduled

**PUBLIC PORTION:**

**ADJOURN:**

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

**MINUTES OF THE REGULAR MEETING OF MAY 12, 2010**

CALL TO ORDER AT 8:50 P.M.

PRESENT AT ROLL CALL:

Mayor	Joseph C. Parisi, Jr.
Council President	Robert Agresta
Councilman	Eric Petrone
Councilwoman	Carrol McMorrow
Councilman	Ilan Plawker
Councilman	Martin Asatrian
Councilman	Thomas Manolio

ALSO PRESENT:

Borough Attorney	Fred Semrau, Esq.
Borough Engineer	Bernard Mirandi
Chief of Police	Thomas Bauernschmidt (absent)
Deputy Chief	Michael Cioffi
Supt. of Public Works	Mark Neville
Acting Municipal Clerk	Ilene Cohen

Council President Agresta led the Pledge of Allegiance.

MAYOR PARISI ASKED THAT THE FOLLOWING STATEMENT BE READ:

Adequate notice of this meeting was given to the press and posted as required. Date and time of this meeting 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.

THE FOLLOWING REPORTS WERE PLACED ON THE REGULAR AGENDA FOR APPROVAL.

Council President Agresta moved to approve the following reports. Upon second by Councilwoman McMorrow, motion carried and the reports were approved.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

Police Report of April, 2010

Court report of April, 2010

Construction Code Official's Report of April, 2010  
Collector/Treasurer's Report of March 2010

Payment of Claims

Council President Agresta moved to approve the payment of claims of April 15-May 12. Upon second by Councilwoman McMorrow, motion carried and the claims were approved.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

The Mayor advised the audience that Council would be changing the order of business in order to address the School Board Budget issue first. He reviewed the results of the vote at the polls and advised what the process is for governing bodies to address this issue. He further advised that Council members had met with the Board to try to resolve the budget issues to the best interests of the residents. He noted that the Council would be voting this evening to either approve the budget as it was or to change it by majority vote. He advised that he does not get a vote unless there is a tie, in which case he would then vote.

Mayor Parisi advised that some major issues the Board was faced with, in addition to the loss of state aid, was that tuition for students from outside of the town was down but the tuition costs per student had risen. He also noted that enrollment at the academy has increased. The end result of all that is about an \$800,000 reduction in revenue.

Councilwoman McMorrow thanked the members of the audience for coming out to the meeting for this very important issue. The Councilwoman gave an overview of what Council had done to come to a decision on how to resolve the school budget issues.

Council President Agresta advised that the vote cast in the election was a very unclear voice, with low voter turnout, and yet the budget was defeated. He had received more communication over this subject in the last few weeks than he had received during the entire time since he was elected. This meant to him that this was a very passionate issue with residents, with 3 different sets of interests: the residents who want the taxes reduced; the teachers who want to be paid commensurate with their education; and parents who want the best for their children. He felt that the Englewood Cliffs school system is a very good one. During the discussions with the Board the Council was advised that once the state had determined specific guidelines and instructions, they made cuts to their preliminary budget in an effort to meet those rules. He felt that they had done an admirable job in those efforts, and acknowledged that the residents would have had no knowledge of those cuts. He felt that by defeating the budget they were sending a message to the Board for a second look at the budget. He advised that he was looking forward to a debate on the merits of the budget this evening.

Mayor Parisi advised that with an \$800,000 loss from last year's budget, the Board had to have a plan of what to revise in the event the budget was defeated. Those revisions included cutting back staff, revising schedules to reflect the loss of staff, and cutting non-core curriculum programs. After their budget was filed with the state, the Board was advised of 4 retirements. The corresponding financial impact of those retirements was not included in the budget at the polls. The financial impact is \$87,000. Those positions would be refilled but at a lower amount.

He recommended making no cuts at this time. He was concerned that there would be no surplus in case of emergencies such as new students with transportation or special needs, a boiler that breaks down, etc. Without a surplus, the Board would have to go to the state to get approval for addressing these issues. He further advised that leaving the budget as is (with the automatic \$87,000 reduction for retired employees) would impact every resident's taxes by \$10.00. He advised that the deadline for Council to make a decision is May 19.

The Council President advised that he did not want to reduce the quality of education and felt that the \$87,000 reduction would not affect any programs. He agreed with most of what the Mayor had said, but noted that the surplus was not something that changed from the Board's original budget and therefore the Board was not concerned with it at the current level.

Councilman Petrone noted that this was the most difficult decision he had had to make in the 1½ years that he had been on the Council. He advised that this had been a very careful review. He felt the \$87,000 is appropriate.

Councilwoman McMorrow felt Council took a very detailed analysis of the school budget. She felt that the \$87,000 reduction would be appropriate and would not affect the programs, stressing that the retirements had not been known prior to the election. She advised that she was pleased that the Council was in agreement. She expressed a concern relative to the information circling by emails that there was a belief held by some that the Council majority did not have children – she does have children and her youngest had gone through the Englewood Cliffs school system.

Council members all noted that the welfare of the children was the most important aspect of any decisions that Council would be recommending.

Councilman Plawker advised that he was conflicted due to split interests – he is on the state Board of Education as well as being a resident whose children and some grandchildren attended or attend the Englewood Cliffs schools. He chose to recuse himself from the state level. He noted that he was opposed to the cuts as the process was not something he was comfortable with. In the past 15 years Council has met with the Board in January to go over the proposed budget. He noted that the cost per pupil is higher due to the smaller district, but yet near the top of the scale in student performance. He felt it was a good idea to go outside for an audit and could have been looked into more. He noted that he would be voting no on the \$87,000 cut and would prefer to leave the numbers as they were.

Councilman Asatrian advised that everyone at the meeting cared about the children and wanted what is best for them. He is a great proponent of education. He thanked everyone for coming out. He felt that this process of fiscal responsibility was a teachable moment and our children can learn from that and that runaway spending and giving someone everything they want has a price tag attached to that. Reality is we're the adults here and we're making the decision. The decision is very modest. We cut the waste, fraud, and abuse and let the children learn that you cannot have runaway spending because ultimately they will have to pay the bill. We all have to learn to spend according to our means. He felt the \$87,000 cut was very modest.

Councilman Manolio thanked everyone for coming. He advised that Englewood Cliffs is a great town with great home values. With the state taking away \$800,000 and Council taking away \$87,000 means

different things to different people – some may feel it is too much, others might feel it's not enough. He was bothered by the vote differential of only 30+ votes. He felt that the education of the students is more important than anything else. He noted there was a proposal on the agenda to spend \$40,000 on an electronic signboard and yet Council is willing to take away \$87,000 from the school board. He expressed concern that the residents might start a trend to defeat the school budgets each year which would have a domino effect on educational value, value of teaching staff, value of the town. etc. He advised that he would be voting no on this proposed reduction.

Mayor Parisi advised the audience that he would allow them to speak at this time but would limit them to one person at a time and for only 3 minutes each.

**Joe Luppino** – 88 Dillingham Place – President of the Board of Education, he had a letter to read. The letter thanked the committee for their diligence in the school budget review, but asked them to leave the numbers alone. He noted that the loss of the \$800,000 in state aid will result in program and staff changes. He advised that the tax levy still went up because of his loss in aid. He pointed to the number of state mandates that have costs attached to them. He suggested that maybe Council could split the difference.

**Ron Ofeck** – 35 Roberts Road – also a member of the Board of Education, suggested addressing issues more directly, and that it was not prudent to not have a buffer. He felt it would be petty and foolish to cut more out of the budget. He noted that he would be happy to pay the \$10, and that he felt that for years the school had given back the excess of surplus to the town. He thought it might be a good thing to have an audit.

**Frank Patti, Jr.** – 30 Dillingham Place – a new member of the Board of Education addressed the newly elected officials, advising that he needed to convince at least one of the four of them to change their mind.

**Sherri Sutera** – 27 Mercer Avenue – addressed Councilman Asatrian and said that as a mom she had issue with Councilman Asatrian's remarks about teaching our children, noting that teaching the children and protecting the children is the job of their parents. She advised that taxes would still go up because of the state. She felt tonight was about kids and she asked him to hear the children and not to make this a bad situation for them. She felt programs that were offered last year would not be offered this year. If the Council takes it from the kids this year, what will happen next year when the Governor changes the rules again?

**George Drimonis** – 71 John Street – implored Council that if they care about the kids, not to cut their budget.

**Emma Guest Consales** – 55 Marjorie Terrace – noted that non-citizens pay taxes but can't vote. She advised that there was a petition with 145 signatures that she asked Council to read.

**Ed Hallas** – 15 Hudson Terrace – asked what the actual budget figures were in appropriations. The Mayor provided those figures. Mr.Hallas noted the \$176,000 increase in expenditures over last year's budget. He understands that the children are terrific, but he can't understand how much of an impact the \$87,000 will have. He asked how much the teachers were giving back. He acknowledged that he was one of the people who voted no on the budget.

Mayor Parisi suggested he speak to the Board of Education for more specific answers on the budget numbers.

**Steve Rubinsky** – 654 Summit Street – he felt that the budget should be left alone. He also is concerned about the surplus being eliminated in case of emergencies. He felt the Board of Education should have taken the time to sit down with the Council in January to go over the numbers and felt they should do that every year.

**Al Wunsch** – 17 Stephens Drive – noted that 4 Council members benefitted from the schools as they attended there, and 3 members sent their children there. In addition, Ms. Cohen's husband attended the Englewood Cliffs schools. He stated that education had always been a bedrock of the community and he would not want to ask teachers to give back anything. He felt it was absurd to take away from the children with this proposed reduction.

**Michele Dawson** – 93 Irving Avenue – noted that she and her husband had attended the Englewood Cliffs schools. She was concerned that young families would leave if the town was no longer offering a good education.

**Viral Tolat** – 57 Jean Drive – noted that he recently moved here because of the educational system, and that he was building a new home but would have to leave if the town would be cutting education.

**Joseph Spano** – Oak Ridge, NJ – Retiring Principal of the school – he noted that education is an art form. He felt that the district would be hurt with the current proposed cuts. He felt that Englewood Cliffs was a great district and he felt it would stay that way. He advised that the cost per student is lower than some surrounding towns which spoke to the diligence of the Board.

**Arthur Goldstein** – 46 Jane Drive – asked if 38% of the town's tax burden goes to the commercial district, then how much are they really losing. He felt that the \$87,000 was really inconsequential.

**The Young family** – 63 Ash Street – noted that the residents have choices – many can afford to send their children to private schools instead of the public school. If the public schools start cutting programs and the educational system starts failing, people will send their children to other schools. This would create a downward spiral of less students, less tuition, less quality, etc. The greater picture would be that if parents can't get the kind of education they want for their children in Englewood Cliffs, they will go elsewhere.

**Savy Grant** – 21 Maple Street – asked Mr. Spano to explain what the impact on special education this \$87,000 cut would have.

**Mr. Spano** – principal – gave an example of the way it could be affected: the number of aides is reduced, thus creating less time for each teacher to spend on programming, and possibly requiring that more special needs children would need to go out of district for their education which would increase the cost of transportation and tuition. Additionally, with less time for teachers to spend on their regular students they might spend more time on testing rather than on teaching and the teachers start to get burned out. In the end, the test scores will go down.



**Lynn Norton** – 9 Willow Drive – noted she spent time to review the budget and felt that in the last 13 years there had been no waste or fraud. She felt that the Board had prepared the budget with a lot of time.

The Mayor offered to allow Council to respond to the residents' comments.

Council President Agresta advised that the cut is 1%. He was surprised with some of the comments from other Council members. He was not against having no cuts. He also noted that the Council was not proposing a cut so much as a correction that would have been corrected by the state anyway due to the retirements. He felt the proposal was made after careful review of the budget and was a responsible decision.

Councilman Petrone added to the Council President's comments. He advised that this had been one of the most difficult decisions he had made to date. He felt it was a modest amount to reduce the budget by.

Councilwoman McMorrow noted her concern about comments made by Council members as well. She felt that opinions had changed from earlier discussions held by Council this evening. She had thought that Council had come to an agreement over the school budget. She advised that the meeting attended by Council members and school Board members resulted in the Board pleading with Council not to hurt the children. The Board handed out packets but did not want Council to take the packets with them. It made it difficult to discuss the budget with the rest of the Council without all the information. Additionally, she pointed out that the \$87,000 did not touch any programs at all. The cut comes solely from a reduction in salary and benefits for 4 teachers who were retiring. The budget showed a proposed salary increase of 4% across the board which was not touched. She addressed the issue of a proposed outside auditor, which would have cost \$1,500, but which was not approved. The Councilwoman noted that Councilman Plawker had suggested cutting \$770,000 from the budget and now was suggesting no cuts. She advised that the reference to the electronic signboard of \$40,000 would actually only cost \$16,950 (of which \$14,000 would be covered by a grant that she worked very hard to obtain) and the balance would be raised by donations.

Mayor Parisi noted his concern about some of the dialogue, and that the residents were present this evening to hear about the school budget and not to hear about politics. He acknowledged advising Mr. Mucci that Council was thinking about cutting the budget by \$87,000. It wasn't necessarily what he wanted to do. He pointed out that he does not get a vote on any matter. He also acknowledged that it had been difficult to get everyone from the Board and the Council together to review the budget before the election – he was not putting blame in any direction, just noting that everyone's schedules did not allow the time to do so.

Councilman Plawker addressed the Councilwoman's comments relative to the cut of \$770,000. He advised that when Council had a discussion about reviewing the school budget they felt it was important to address the people who had voted to reject the budget. He felt that if they were going to make a cut they should make a significant one and he had zeroed in on the transportation line item. He advised that \$80,000 is courtesy busing for the children who live close to the school and the buses pass their homes anyway so they just pick them up. Many towns (even bigger than Englewood Cliffs) have no busing at all as the children are taken by private transportation at a much lower cost than contracted busing would be. He felt all along that cutting the budget was not appropriate due to the lack of understanding of the entire budget process. He challenged anyone on Council who plans to vote for the \$87,000 cut to tell him that

they clearly understood the whole budget. He felt that had the budget packets been presented in January as has been usual process that there may have been significant time to review it properly.

Councilman Asatrian wished that Council could help the School Board. They are all for the children and education. Council had decided to make a modest cut. The voters put the Council in the position to make this decision and they did their best to do so in a responsible, prudent, and rational way.

Councilman Manolio re-affirmed that while \$87,000 translated to only a few dollars a household, notwithstanding the commercial district, he didn't think it made sense to cut the budget at all. He noted that Council had heard the parents concerns that it would affect the education for their children, and he would not be voting in favor of the cuts.

Mayor Parisi advised that this had been a difficult decision for the entire Council, despite differences of opinion and some bickering back and forth. He noted that Englewood Cliffs has always had a good relationship between the Council and the Board of Education, unlike some other towns in the state. He wished to assure the parents and the residents that he would continue to push the Borough into reducing the expenses at the school. He noted that Englewood Cliffs had been sharing services long before it became popular: the DPW plows at the school; safety training is held in coordination with the Police Department; we provide crossing guards; we share in special events; and the school allows the use of their facilities for the town without a fee. If the school was not available for sports and recreation (including the summer camp), the town would have to pay huge amounts to rent space in other locations. By working together, both sides save money. He felt that by making no cuts the town could give back to the school in appreciation for this joint effort. He asked Council what they would have cut if the retirements hadn't given them a specific amount. Any other place that would have been cut would have affected programs. He asked to have the resolution read at this time.

## **RESOLUTIONS**

### **School Board Budget Vote**

**Council President Agresta moved to adopt Resolution 2010-87. Upon second by Councilman Petrone, motion carried and Resolution 2010-87 was adopted.**

### **ROLL CALL:**

**AYES: Agresta, Petrone, McMorrow, Asatrian**

**NAYS: Plawker, Manolio**

**ABSTAIN:**

## **BOROUGH OF ENGLEWOOD CLIFFS**

### **BERGEN COUNTY, NEW JERSEY**

#### **RESOLUTION #10-87**

### **A RESOLUTION CERTIFYING THE 2010/2011 SCHOOL TAXES TO THE BERGEN COUNTY BOARD OF TAXATION**

**WHEREAS**, on April 20, 2010, the general fund tax levy for the base budget and additional spending proposals of the Englewood Cliffs Public Schools were defeated by the voters at the annual school election, and

**WHEREAS**, pursuant to N.J.S.A. 18A et seq. the Board of Education did submit the budget documents to the Municipal Governing Body for review and ultimately certification of the taxes to the County Board of Taxation; and

**WHEREAS**, the Mayor and Borough Council of the Borough of Englewood Cliffs have reviewed the defeated school budget, a Subcommittee has met with representatives of the Board of Education and the governing body of the Borough had a joint public meeting with the Board of Education for the Englewood Cliffs Public Schools; and

**WHEREAS**, the Council finds and determines that the following line items contained in the annual school budget for the school year 2010/2011 can be reduced without negative affect upon the thorough and efficient provision of public education in the Borough of Englewood Cliffs Public School District:

Budget Line No.	Budget Acct. No.	Budget Account Name Explanation of Cuts	Total Revision
		Retiring Employees:	
		Employee #1: 11-120-100-101	
		Employee #2: 11-120-100-101 and 11-130-100-101	
		Employee #3: 11-110-100-101	
		Employee #4: 11-000-219-104 and 11-000-240-103	
Total General Fund Budget Revisions			\$87,000

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Englewood Cliffs, County of Bergen, State of New Jersey that they do hereby certify to the Bergen County Superintendent of Schools the following amounts related to the General Fund to be raised by local taxation for the Borough of Englewood Cliffs Public School District for the 2010/2011 school year:

Total General Fund proposed on the ballot:	\$9,807,381
Revised General Fund:	<u>\$9,720,381</u>
Total Reduction to General Fund and Debt Service Fund:	\$ 87,000

**BE IT FURTHER RESOLVED** that the Governing Body does hereby certify that review of this revised budget affirms that it is sufficient to provide a thorough and efficient education for the student body in the Borough of Englewood Cliffs.

**BE IT FURTHER RESOLVED** by the Governing Body that a certified copy of this resolution be filed with the Board of Education and the County Superintendent of Schools no later than May 19, 2010.

Adopted this 12th day of May, 2010  
and certified as a true copy of an original.

\_\_\_\_\_  
Ilene Cohen, Borough Administrator  
Acting Municipal Clerk

\_\_\_\_\_  
Joseph C. Parisi Jr., Mayor

Mayor Parisi advised that the Resolution would go to the County Superintendent of Schools. He further advised that the school does have the right to appeal this decision to the County and the State, but he did not think that they would do so based on discussions with school administration.

He thanked the civility of the residents in the audience and thanked them for their input.

The Mayor asked to take a 5 minute recess.

10:05pm

Mr. Semrau left at this time, and Dominic DiYanni arrived in his place as legal representative.

#### Open to Public Comment

Councilman Plawker moved to open the meeting to public comment on all Resolutions listed on the agenda. Upon second by Council President Agresta, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**Steve Rubinsky** – 654 Summit Street – asked about 2010-83 and 2010-89.

Mayor Parisi explained that 2010-83 was for going into closed session, and 2010-89 was for a bond anticipation notice.

Mr. Rubinsky asked about the date of May 7 listed as the effective date and if they would be able to back-date a resolution.

The Mayor and Mr. DiYanni advised they would speak to bond counsel to verify if the date was a typo. If it was not a typo they would determine if a special meeting would be required to address the date.

An audience member asked who the gentleman was to the Mayor's left. The Mayor introduced Mr. DiYanni who explained his relationship to Mr. Semrau.

**Lynn Norton** – 9 Willow Drive – noted the resolution signing off on the audit. She asked if Council had any concerns or comments on the audit.

Mayor Parisi referred the question to the finance chairperson.

Council President Agresta noted that there were numerous management recommendations for various departments which would be addressed, but that some of the finance department recommendations included: that an encumbrance be made prior to goods and services be ordered in accordance with technical accounting directive #1; that information quotes for all purchases over 15% of the bid threshold is to be obtained as required by local public contracts law; that all required approving signatories be obtained on purchase orders; that more care be taken when reviewing capital project expenditures to ensure the appropriate improvement authorization is charged; and that a greater effort be made to charge

allowable grant expenditures to applicable appropriated grant reserves. The Council President advised that if more information was desired he would be happy to go through the other departments.

Ms. Norton asked for some clarifications which were provided.

Motion to Close the Meeting to Public Comment

Council President Agresta moved to close the meeting to public comment. Upon second by Councilman Plawker, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**Tax Appeals**

**Council President Agresta moved to approve Resolutions 10-84, 10-85, 10-86. Upon second by Councilman Asatrian, motion carried and the Resolutions were adopted as noted below.**

**ROLL CALL:**

**AYES: Agresta, Petrone, McMorrow, Plawker (10-84 and 10-85), Asatrian, Manolio**

**NAYS:**

**ABSTAIN: Plawker (10-86)**

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

**RESOLUTION 10-84**

**A RESOLUTION TO AUTHORIZE SETTLEMENT OF THE  
TAX APPEAL FILED BY 228-244 MAIN GARDEN CORP. FOR  
PROPERTY KNOWN AS BLOCK 610, LOT 8, 42 MARJORIE TERRACE FOR THE 2009 TAX YEAR**

**WHEREAS**, 228-244 Main Garden Corp. is the owner of certain property located in the Borough of Englewood Cliffs known as Block 610, Lot 8, also known as 42 Marjorie Terrace; and

**WHEREAS**, taxpayers have filed a 2009 real property tax appeal which is currently pending in the Tax Court of New Jersey; and

**WHEREAS**, it is the opinion of the Tax Assessor and Tax Counsel that the settlement of this matter is in the best interest of the Borough of Englewood Cliffs.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Englewood Cliffs, County of Bergen and State of New Jersey that the Borough Attorney is hereby authorized and directed to execute any and all documents necessary in order to settle the litigation entitled 228-244 Main Garden Corp. v. Borough of Englewood Cliffs pending in the Tax Court of New Jersey.

**BE IT FURTHER RESOLVED** that for the tax year 2009 the total assessment for the property known as Block 610, Lot 8, 42 Marjorie Terrace will be reduced from \$800,000 to \$770,000.

**BE IT FURTHER RESOLVED** that the aforesaid settlement is further predicated upon a waiver of any and all pre-judgment interest on any refund due to the taxpayer

ATTEST:

\_\_\_\_\_  
Ilene Cohen, Acting Borough Clerk

\_\_\_\_\_  
Joseph Parisi, Jr., Mayor

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

**RESOLUTION 10-85**

**A RESOLUTION TO AUTHORIZE SETTLEMENT OF THE  
TAX APPEAL FILED BY BEDROCK REALTY, LLC FOR  
PROPERTY KNOWN AS BLOCK 506, LOT 3, 720 PALISADES AVENUE FOR THE 2008, 2009 AND  
2010 TAX YEARS**

**WHEREAS**, Bedrock Realty, LLC is the owner of certain property located in the Borough of Englewood Cliffs known as Block 506, Lot 3, also known as 720 Palisades Avenue; and

**WHEREAS**, the taxpayer has filed 2008, 2009 and 2010 real property tax appeals which are currently pending in the Tax Court of New Jersey; and

**WHEREAS**, it is the opinion of the Tax Assessor and Tax Counsel that the settlement of this matter is in the best interest of the Borough of Englewood Cliffs.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Englewood Cliffs, County of Bergen and State of New Jersey that the Borough Attorney is hereby authorized and directed to execute any and all documents necessary in order to settle the litigation entitled Bedrock Realty LLC v. Borough of Englewood Cliffs pending in the Tax Court of New Jersey.

**BE IT FURTHER RESOLVED** that for the tax year 2008 the total assessment for the property known as Block 506, Lot 3, 720 Palisades Avenue will be reduced from \$5,345,000 to \$5,000,000.

**BE IT FURTHER RESOLVED** that for tax years 2009 and 2010 the total assessment will be reduced from \$5,345,000 to \$4,997,000.

**BE IT FURTHER RESOLVED** that the aforesaid settlement is further predicated upon a waiver of any and all pre-judgment interest on any refund due to the taxpayer

ATTEST:

\_\_\_\_\_  
Ilene Cohen, Acting Borough Clerk

\_\_\_\_\_  
Joseph Parisi, Jr., Mayor

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

**RESOLUTION 10-86**

**A RESOLUTION TO AUTHORIZE SETTLEMENT OF THE  
TAX APPEAL FILED BY SYLVAN CLIFFS, LLC FOR  
PROPERTY KNOWN AS BLOCK 314, LOT 11, 180 SYLVAN AVENUE FOR THE  
2008 AND 2009 TAX YEARS**

**WHEREAS**, Bedrock Realty, LLC is the owner of certain property located in the Borough of Englewood Cliffs known as Block 314, Lot 11, also known as 180 Sylvan Avenue; and

**WHEREAS**, the taxpayer has filed 2008 and 2009 real property tax appeals which are currently pending in the Tax Court of New Jersey; and

**WHEREAS**, it is the opinion of the Tax Assessor and Tax Counsel that the settlement of this matter is in the best interest of the Borough of Englewood Cliffs.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Englewood Cliffs, County of Bergen and State of New Jersey that the Borough Attorney is hereby authorized and directed to execute any and all documents necessary in order to settle the litigation entitled Sylvan Cliffs, LLC v. Borough of Englewood Cliffs pending in the Tax Court of New Jersey.

**BE IT FURTHER RESOLVED** that for the tax years 2008 and 2009 the total assessment for the property known as Block 314, Lot 11, 180 Sylvan Avenue will be reduced from \$10,254,600 to \$8,400,000.

**BE IT FURTHER RESOLVED** that the aforesaid settlement is further predicated upon a waiver of any and all pre-judgment interest on any refund due to the taxpayer

ATTEST:

\_\_\_\_\_  
Ilene Cohen, Acting Borough Clerk

\_\_\_\_\_  
Joseph Parisi, Jr., Mayor

Mayor Parisi noted the following information:

Resolution 2010-80 for the Fire Protection Inspector was for Paul Renaud;

Resolution 2010-81 for the Deputy Clerk was for Kathryn Harris at a salary of \$30,000, which also included the appointment as the secretary to the Board of Health at a salary of \$10,000;

and Resolution 2010-82 for the Translator for the Police Department reflects a person who is fluent in Korean and Spanish. He noted that the new Records Clerk is also fluent in Spanish.

**Council President Agresta moved to approve Resolutions 10-84, 10-85, and 10-86. Upon second by Councilman Asatrian, motion carried and the Resolutions were adopted as noted below.**

**ROLL CALL:**

**AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio**

**NAYS:**

**ABSTAIN: Plawker (10-81 only), Manolio (10-81 only)**

**RECUSED: McMorrow (10-82 only)**

**BOROUGH OF ENGLEWOOD CLIFFS  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION 10-72**

**RESOLUTION GRANTING PERMISSION TO AT&T CORP. TO INSTALL COMMUNICATIONS FACILITIES ALONG, UNDER AND OVER THE PUBLIC RIGHT-OF-WAY IN ORDER TO PROVIDE COMMUNICATIONS SERVICES TO THE PUBLIC**

**WHEREAS**, AT&T Corp., through its operating subsidiaries, including AT&T Communications of New Jersey, L.P., TCG New Jersey, Inc. and Teleport Communications New York (collectively, "AT&T"), is a communications carrier authorized to provide service by the New Jersey Board of Public Utilities (BPU) and the Federal Communications commission (FCC); and

**WHEREAS**, AT&T, as a public utility and common carrier, has requested approval to install telecommunications facilities in Englewood Cliffs rights-of-way; and

**WHEREAS**, AT&T is seeking to lease or obtain conduit space and access to poles with other utilities, particularly Verizon New Jersey Inc. and Verizon has required that AT&T obtain approval of the Englewood Cliffs Borough Council as a condition of such access.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Englewood Cliffs, County of Bergen and State of New Jersey the following:

1. Permission and authority are hereby granted to AT&T to install communications facilities, or lease or obtain for such telecommunications facilities existing conduit space in the public right-of-way in Englewood Cliffs in order to provide communications services to the public, and to operate, maintain and repair said facilities, subject to the following:
  - A. The facilities shall be installed in underground conduit and/or on to existing utility poles in the public right-of-way.
  - B. AT&T, its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements for the use of the public right of way.
  - C. AT&T, its successors and assigns, shall comply with all Federal State, and Local laws requiring permits prior to beginning construction.
  - D. Such permission be and is hereby given upon the condition and provision that AT&T, its successors and assigns, not only indemnify and save harmless Englewood Cliffs, its officers, agents, and servants from any claims whatsoever arising from or in any way connected to the acts or omissions of AT&T in use of the public right-of-way but shall agree which may be brought against the Borough upon such claims or from claims arising during the construction period, excluding in all instances claims arising out of gross negligence or willful misconduct on the part



of the Borough.

E. In addition to the aforesaid indemnity agreement, AT&T, its successors and assigns shall at its own cost and expense procure and keep at all times in full force and effect paid up policies for Comprehensive General Liability Insurance in favor of the Borough, in the amount of at least \$5,000,000 covering bodily injury and property damage arising out of any one accident. Proof of said coverage, naming the Borough as an insured and including the indemnification clause in Section D shall be filed with the Borough Clerk prior to the installation of any plant. The Borough shall have the right to increase the amount of Comprehensive General Liability Insurance and to alter the terms of insurance called for under this section. Said insurance shall not be subject to cancellation or change until thirty (30) days after the Borough clerk has received written notice thereof as evidence by return receipt of certified or registered letter.

F. Such permission be and is hereby given upon the further condition that in the use of the public right-of-way AT&T, its successors and assigns, shall become subject to any lawful Ordinance or resolution now or hereafter adopted by the Borough.

G. Such permission be and is hereby given upon the condition that AT&T shall obtain all applicable permits which may be required by the Borough and that AT&T shall pay in addition to the fees associated with such permits, an annual permit fee of \$100.00 per mile or portion thereof, of AT&T fiber optic cable located in the public rights-of-way within the Borough, with a minimum annual fee of \$500.00, and provided that if any Federal or State statute or regulation hereafter adopted authorizes or permits any fee or payment to the Township in excess of that required herein, the Borough may impose such fee or payment in accordance with such new applicable law, and the provisions herein shall not be construed as a waiver by the Borough of such fee or payment. In addition, AT&T shall deposit with the Borough the sum of \$2,000.00 as escrow to defer legal and engineering review of the within application with a statement of expenses and a refund of any unexpended funds to be provided to AT&T promptly upon completion of the installation. In addition, AT&T will pay for any and all expenses associated with traffic control.

H. Such permission be and is hereby given upon the condition that AT&T shall obtain all applicable permits which may be required by the Borough.

I. AT&T shall be responsible for the repair of damage to paving, existing utility lines, or any surface or subsurface installations, etc., arising from the construction, installation or maintenance of said plant.

J. Notwithstanding any provision contained herein, neither the Borough nor AT&T shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this instrument.

K. The permission and authority hereby granted shall be for a period of 50 years. However, after 15 years from the date of this agreement, the Borough shall have the right to terminate permission and authority, by Resolution with a minimum one year notice to AT&T to sell or liquidate its facilities in the public right-of-way. Conversely, AT&T shall be allowed to terminate permission and authority, by request of Resolution with a minimum of one year from passage of such Resolution to sell or liquidate its facilities in the public right-of-way.

ATTEST:

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

**RESOLUTION 10-77**

**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 2009 has been filed by a Registered Municipal Accountant with the Acting 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.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**Ilene Cohen, Acting Municipal Clerk**

\_\_\_\_\_  
**Joseph C. Parisi Jr., Mayor**

**A RESOLUTION OF THE BOROUGH OF ENGLEWOOD CLIFFS, COUNTY OF BERGEN AND STATE OF NEW JERSEY AUTHORIZING THE REJECTION OF THE BIDS RECEIVED FOR THIRD PARTY ELEVATOR INSPECTION/RE-INSPECTION SERVICES**

**RESOLUTION 10-78**

**WHEREAS**, bids were opened as advertised on April 5, 2010 for 2010 Third Party Elevator Inspection/Re-Inspection Services; and

**WHEREAS**, two (2) bids were received from the following vendors:

- 1) EIC Inspection Agency Corp., Jersey City, NJ; and
- 2) Municipal Inspection Corp., Bayonne, NJ; and

**WHEREAS**, after review of the bid proposal submissions received it has been determined that the bids must be rejected by the governing body as the Borough now wishes to keep these type of services in house and performed by a part time employee of the Borough who is qualified to make such inspections/re-inspections; and

**WHEREAS**, pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-13.2(c), a governing body may reject all of the responsible bids received for the aforementioned reason.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Englewood Cliffs, in the County of Bergen and State of New Jersey, that the two (2) bids received for the aforementioned project be rejected; and

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded to all bidders, the Borough Administrator, the Borough Auditor and Borough Attorney for their records.

This Resolution shall take effect immediately.

ATTEST:

\_\_\_\_\_  
Ilene Cohen, Acting Borough Clerk

\_\_\_\_\_  
Joseph Parisi, Jr., Mayor

**A RESOLUTION OF THE BOROUGH OF ENGLEWOOD CLIFFS, COUNTY OF BERGEN AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COUNTY OF BERGEN FOR EMERGENCY SERVICES NOTIFICATION SYSTEM**

**RESOLUTION 10-79**

**WHEREAS**, there exists a need for the County of Bergen, Office of Emergency Management, Department of Public Safety to provide an automated telephone alerting system service (hereinafter called "system") to be available 24 hours a day, 7 days a week, and all days per year to the seventy (70) municipalities comprising the County of Bergen; and

**WHEREAS**, the County of Bergen Board of Chosen Freeholders adopted Resolution No. 406 on April 7, 2010 authorizing the County to award a purchase contract to C3: Citizen Communication Center to provide the above referenced system to those municipalities so desiring; and

**WHEREAS**, the Borough of Englewood Cliffs wishes to utilize such system for the benefit of its citizens.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Englewood Cliffs, in the County of Bergen and State of New Jersey as follows:

1. The Manager and Acting Borough Clerk are hereby authorized and directed to execute a Shared Services Agreement, a copy of which is attached hereto, with the County of Bergen for the provision of the automated telephone alerting system service.
2. The term of the attached Agreement shall be for a period of one (1) year with an option for one (1) additional year.
3. This Resolution shall take effect immediately.

Adopted: May 14, 2010

\_\_\_\_\_  
Joseph C. Parisi, Jr., Mayor

\_\_\_\_\_  
Ilene Cohen, Acting Borough Clerk

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

**RESOLUTION 10-80**

**RESOLUTION AUTHORIZING THE APPOINTMENT OF PAUL RENAUD AS FIRE PROTECTION  
INSPECTOR**

**WHEREAS**, the laws of the State of New Jersey require that the Borough of Englewood Cliffs appoint a Fire Protection Inspector to be responsible for the inspections relevant to the administration and enforcement of the Uniform Construction Code; and

**WHEREAS**, there exists a vacancy in said position within the Borough; and

**WHEREAS**, Paul Renaud has interviewed for said position and possesses all of the requisite certificate(s) and/or qualification(s) to perform said duties as Fire Protection Inspector for the Borough of Englewood Cliffs; and

**WHEREAS**, the Borough wishes to appoint Paul Renaud as Fire Protection Inspector for the Borough of Englewood Cliffs.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Englewood Cliffs, County of Bergen and State of New Jersey that Paul Renaud be and is hereby appointed as Fire Protection Inspector for the Borough of Englewood Cliffs; and

**BE IT FURTHER RESOLVED** that this appointment shall be effective for the remainder of the calendar year with the possibility of Mr. Renaud being reappointed to the same position at the Borough's next reorganization meeting; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

\_\_\_\_\_  
Joseph C. Parisi Jr., Mayor

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

**RESOLUTION 10-81**

**A RESOLUTION TO AUTHORIZE THE HIRING  
OF A DEPUTY CLERK FOR THE BOROUGH OF ENGLEWOOD CLIFFS**

**WHEREAS**, a Subcommittee was formed to review applications for the position of Deputy Clerk for the Borough of Englewood Cliffs; and

**WHEREAS**, the Subcommittee has made a recommendation for consideration by the Council for the hiring of an individual to serve as Deputy Clerk for the Borough of Englewood Cliffs; and

**WHEREAS**, Kathryn Harris is recommended by the Subcommittee to the Mayor and Council for consideration.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Englewood Cliffs, County of Bergen and State of New Jersey that Kathryn Harris is hereby appointed to the position of Deputy Clerk for the Borough of Englewood Cliffs at an annual salary of \$30,000.

\_\_\_\_\_  
Ilene Cohen, Acting Borough Clerk  
Borough of Englewood Cliffs

\_\_\_\_\_  
Joseph C. Parisi, Jr., Mayor

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

**RESOLUTION 10-82**

**A RESOLUTION TO AUTHORIZE VOLUNTEER SERVICES  
OF A TRANSLATOR FOR THE BOROUGH OF  
ENGLEWOOD CLIFFS POLICE DEPARTMENT**

**WHEREAS**, Grace Choi has approached the Borough Police Department and inquired as to whether she can serve as a volunteer translator for the department; and

**WHEREAS**, Grace Choi has credentials that would qualify her to assist in translating the language of Korean; and

**WHEREAS**, the Deputy Chief of Police recommends that such services would be beneficial to the Borough.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Englewood Cliffs, County of Bergen and State of New Jersey that Grace Choi is hereby appointed as a translator on a volunteer basis.

**BE IT FURTHER RESOLVED**, that Grace Choi is aware that she will not be an employee of the Borough and is serving strictly as a volunteer.

ATTEST:

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

\_\_\_\_\_  
Joseph Parisi, Jr., Mayor

**A RESOLUTION OF THE BOROUGH OF ENGLEWOOD CLIFFS, COUNTY OF BERGEN AND  
STATE OF NEW JERSEY ADOPTING THE SUPPLEMENT TO THE PERSONNEL POLICIES AND  
PROCEDURES MANUAL**

**RESOLUTION 10-88**

**WHEREAS**, it is the policy of the Borough of Englewood Cliffs to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Civil Service Act, the New Jersey Attorney General's guidelines with respect to Police Department personnel matters, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

**WHEREAS**, though the Borough Council has previously adopted the Personnel Policies and Procedures Manual, it has determined that there is a need to revise the current policies regarding harassment, Americans with Disabilities Act, email, voice mail, computer and internet usage and Family and Medical Leave Act to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Englewood Cliffs, in the County of Bergen and State of New Jersey that the Borough hereby adopts the supplement dated May 12, 2010 to the Borough's Personnel Policies and Procedures Manual; and

**BE IT FURTHER RESOLVED** that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough Council.

This Resolution shall take effect immediately.

Adopted: May 12, 2010

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Ilene Cohen, Acting Municipal Clerk

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Joseph C. Parisi Jr., Mayor

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS, IN THE COUNTY OF BERGEN, NEW JERSEY, DESIGNATING A \$4,557,125 BOND ANTICIPATION NOTE, DATED MAY 7, 2010 AND PAYABLE MARCH 30, 2011, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.**

**RESOLUTION 10-89**

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**WHEREAS**, the Borough of Englewood Cliffs, in the County of Bergen, New Jersey (the "Borough"), intends to issue a \$4,557,125 Bond Anticipation Note, dated May 7, 2010 and payable March 30, 2011 (the "Note"); and

**WHEREAS**, the Borough desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code");



**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Englewood Cliffs, in the County of Bergen, New Jersey, as follows:

SECTION 1. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 2. It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$30 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2010.

SECTION 3. It is further determined and stated that the Borough has, as of the date hereof, issued the following tax-exempt obligations (other than the Note) during the calendar year 2010:

<u>AMOUNT</u>	<u>DATED - DUE</u>
\$1,500,000 BANS	3/30/10 - 3/30/11

SECTION 4. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 5. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original

purchaser with a certificate of obligations issued during the calendar year 2010 dated as of the date of delivery of the Note.

SECTION 6. This resolution shall take effect immediately upon its adoption.

Mayor's Appointment to Planning Board

Mayor Parisi wished to make a Mayor's appointment to the Planning Board due to a vacancy created with the recent resignation of D. K. Min. The appointment is Matt Trovato, who was the first alternate to the Board. The position of first alternate will need to be filled at a later time.

**ORDINANCES:**

**Introduction: Ordinance #2010-06**

**Councilman Plawker moved to introduce Ordinance #2010-06 on first reading by title only. Upon second by Councilman Petrone, motion carried on roll call vote.**

**ROLL CALL: Agresta, Petrone, McMorrow, Plawker, Manolio**

**AYES:**

**NAYS:**

**ABSTAIN:**

**RECUSED: Asatrian**

**AN ORDINANCE OF THE BOROUGH OF ENGLEWOOD CLIFFS,  
COUNTY OF BERGEN AND STATE OF NEW JERSEY  
AUTHORIZING THE EXECUTION OF AN EASEMENT AND INDEMNIFICATION AGREEMENT  
BETWEEN THE BOROUGH OF  
ENGLEWOOD CLIFFS AND PARVIZ ROUBENI  
ORDINANCE 2010-06**

**WHEREAS**, Parviz Roubeni (hereinafter "Owner") is in possession of certain property in the Borough of Englewood Cliffs more particularly described as Block 608, Lot 7, and identified as 6 Raymond Street on the Borough Tax Map; and

**WHEREAS**, the Owner has installed a certain driveway and retaining wall which encroaches upon the Borough's right-of-way; and

**WHEREAS**, it has come to the attention of the Borough that the Owner finds it necessary to maintain this encroachment upon said Borough right-of-way and has requested that the Borough permit the Owner to continue to encroach upon its right-of-way; and

**WHEREAS**, the Borough has reviewed this request and has determined that it is in the best interests of the Borough to grant the Owner an easement over the Borough's right-of-way so that the

driveway and retaining wall may remain in its present condition, so long as the Owner holds harmless and indemnifies the Borough and subject to the terms and conditions set forth in the easement and indemnification agreement, attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Englewood Cliffs, County of Bergen and State of New Jersey as follows:

1. The attached proposed easement and indemnification agreement and the deed description of said easement, being part of Block 608 Lot 7, is hereby accepted.
2. The Borough Attorney is authorized and directed to accept the Easement and to record same for the benefit of the Borough.
3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
5. This Ordinance shall take effect after publication and passage according to law.

BOROUGH OF ENGLEWOOD CLIFFS  
COUNTY OF BERGEN  
STATE OF NEW JERSEY

ATTEST:

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

\_\_\_\_\_  
Joseph C. Parisi, Jr., Mayor

**Introduction: Ordinance #2010-07**

**Councilwoman McMorrow moved to introduce Ordinance #2010-07 on first reading by title only. Upon second by Councilman Petrone, motion carried on roll call vote.**

**ROLL CALL: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio**

**AYES:**

**NAYS:**

**ABSTAIN:**

**RECUSED:**

**ORDINANCE NO. 2010-07**

**AN ORDINANCE OF THE BOROUGH OF ENGLEWOOD CLIFFS, COUNTY OF BERGEN, AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 9, BUILDING AND HOUSING CODE, OF THE CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS WITH THE ADDITION OF SECTION 9-24 ENTITLED, BUSINESS ZONING APPLICATION**

**BE IT ORDAINED**, by the Borough Council of the Borough of Englewood Cliffs, in the County of Bergen, and State of New Jersey as follows:

**SECTION 1.** Chapter 9, Building and Housing Code, of the Code of the Borough of Englewood Cliffs, is hereby amended and supplemented with the addition of Section 9-24, Business Zoning Application, to read as follows:

**§ 9-24 BUSINESS ZONING APPLICATION.**

**§ 9-24.1 Business Zoning Application Required.**

Each time there is any change in tenancy in the Business Zone located within the Borough of Englewood Cliffs, the owner of such property and/or business must fill out and file with the construction official a business zoning application.

**§ 9-24.2 Fees.**

The fee for a business zoning application shall be two-hundred (\$200.00) dollars, payable to the Borough of Englewood Cliffs.

**§ 9-24.3 Investigation of Application.**

Upon receipt of the business zoning application, the construction official shall conduct his or her investigation to determine if such use is acceptable. Each applicant is aware by filing such an application that they must conform to all building, electric, plumbing, fire and board of health codes. Depending on the circumstances surrounding the application, the construction official may require the applicant to appear before the Borough Planning Board.

**SECTION 2.** All Ordinances of the Borough of Englewood Cliffs, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**SECTION 5.** This Ordinance may be renumbered for codification purposes.

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

**ATTEST:**

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

By: \_\_\_\_\_  
Joseph C. Parisi, Jr., Mayor

**Introduction: Ordinance #2010-08**

**Councilwoman McMorrow moved to introduce Ordinance #2010-08 on first reading by title only.**

**Upon second by Council President Agresta, motion carried on roll call vote.**

**ROLL CALL: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio**

**AYES:**

**NAYS:**

**ABSTAIN:**

**RECUSED:**

### **ORDINANCE NO. 2010-08**

#### **AN ORDINANCE OF THE BOROUGH OF ENGLEWOOD CLIFFS, COUNTY OF BERGEN, AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 9, BUILDING AND HOUSING CODE, SECTION 9-1.3, FEES, SUBSECTION (a)(9) OF THE CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS**

**BE IT ORDAINED**, by the Borough Council of the Borough of Englewood Cliffs, in the County of Bergen, and State of New Jersey as follows:

**SECTION 1.** Chapter 9, Building and Housing Code, Section 9-1.3, Fees, Subsection (a)(9), of the Code of the Borough of Englewood Cliffs, is hereby amended and supplemented to read as follows:

#### **§ 9-1 STATE UNIFORM CONSTRUCTION CODE**

##### **§ 9-1.3 Fees.**

(9) The fee for a permit for reroofing of any residential structure or **commercial** building shall ***be based upon the estimated cost of the work. The fee shall be in the amount of \$24.00 per \$1000 up to \$50,000. Above \$50,001 the additional fee shall be in the amount of \$18 per \$1000 of estimated costs.*** ~~one hundred (\$100.00) dollars. The fee for a permit for reroofing of any commercial flat roof shall be a minimum of two hundred (\$200.00) dollars to a maximum of five hundred (\$500.00) dollars, calculated at twenty five (\$0.25) cents per square foot.~~

**SECTION 2.** All Ordinances of the Borough of Englewood Cliffs, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**SECTION 5.** This Ordinance may be renumbered for codification purposes.

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

**ATTEST:**

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

By: \_\_\_\_\_  
Joseph C. Parisi, Jr., Mayor

**Introduction: Ordinance #2010-09**

**Mayor Parisi noted that this would be to repeal the Local Assistance Board. He had been advised by the Borough Attorney that in order to do so it would need to be done by ordinance.**

**Council President Agresta moved to introduce Ordinance #2010-09 on first reading by title only. Upon second by Councilman Petrone, motion carried on roll call vote.**

**ROLL CALL: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio**

**AYES:**

**NAYS:**

**ABSTAIN:**

**RECUSED:**

**ORDINANCE NO. 2010-09**

**AN ORDINANCE OF THE BOROUGH OF ENGLEWOOD CLIFFS, COUNTY OF BERGEN, AND STATE OF NEW JERSEY TO REPEAL CHAPTER 2, ADMINISTRATION, SECTION 2-10.14, LOCAL ASSISTANCE BOARD, OF THE CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS**

**BE IT ORDAINED**, by the Borough Council of the Borough of Englewood Cliffs, in the County of Bergen, and State of New Jersey as follows:

**SECTION 1.** Chapter 2, Administrator, Section 2-10.14, Local Assistance Board, of the Code of the Borough of Englewood Cliffs, is hereby repealed in its entirety.

**SECTION 2.** All Ordinances of the Borough of Englewood Cliffs, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, sentence, clause of phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**SECTION 5.** This Ordinance may be renumbered for codification purposes.

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

**ATTEST:**

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

By: \_\_\_\_\_  
Joseph C. Parisi, Jr., Mayor

**Second Reading: Ordinance #2010-04 – Easement and Indemnification Agreement – 520 Floyd Street**

**Open to Public Comment**

Councilman Petrone moved to open the meeting to public comment on Ordinance #2010-04. Upon second by Councilman Asatrian, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

Gail Erhenberg asked for clarification on this property and Mayor Parisi advised accordingly.

No one else wished to be heard on Ordinance #2010-04.

**Closed to Public Comment**

Council President Agresta moved to close the meeting to public comment on Ordinance #2010-04. Upon second by Councilwoman McMorrow, motion carried.

**Council President Agresta moved to adopt Ordinance #2010-04 on second reading by title only. Upon second by Councilwoman McMorrow, motion carried and Ordinance #2010-04 was adopted.**

**ROLL CALL:**

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian,

NAYS:

ABSTAIN: Manolio

**AN ORDINANCE OF THE BOROUGH OF ENGLEWOOD CLIFFS,  
COUNTY OF BERGEN AND STATE OF NEW JERSEY  
AUTHORIZING THE EXECUTION OF AN EASEMENT AND INDEMNIFICATION AGREEMENT  
BETWEEN THE BOROUGH OF  
ENGLEWOOD CLIFFS AND YOUNG SOON KIM**

**ORDINANCE 2010-04**

**WHEREAS**, Young Soon Kim (hereinafter "Owner") is in possession of certain property in the Borough of Englewood Cliffs more particularly described as Block 615, Lot 5, and identified as 520 Floyd Street on the Borough Tax Map; and

**WHEREAS**, the Owner has installed a certain driveway and retaining wall which encroaches upon the Borough's right-of-way; and

**WHEREAS**, it has come to the attention of the Borough that the Owner finds it necessary to maintain this encroachment upon said Borough right-of-way and has requested that the Borough permit the Owner to continue to encroach upon its right-of-way; and

**WHEREAS**, the Borough has reviewed this request and has determined that it is in the best interests of the Borough to grant the Owner an easement over the Borough's right-of-way so that the driveway and retaining wall may remain in its present condition, so long as the Owner holds harmless and indemnifies the Borough and subject to the terms and conditions set forth in the easement and indemnification agreement, attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Englewood Cliffs, County of Bergen and State of New Jersey as follows:

1. The attached proposed easement and indemnification agreement and the deed description of said easement, being part of Block 615 Lot 5, is hereby accepted.
2. The Borough Attorney is authorized and directed to accept the Easement and to record same for the benefit of the Borough.
3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
5. This Ordinance shall take effect after publication and passage according to law.

BOROUGH OF ENGLEWOOD CLIFFS  
COUNTY OF BERGEN  
STATE OF NEW JERSEY

ATTEST:

\_\_\_\_\_  
Ilene Cohen, Acting Clerk

\_\_\_\_\_  
Joseph C. Parisi, Jr., Mayor

**PROCLAMATIONS**

Council President Agresta read the following proclamation:

***PROCLAMATION***

***ARBOR DAY 2010***

**WHEREAS**, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and



**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

**WHEREAS**, 2010 is the 138<sup>th</sup> anniversary of the holiday and Arbor Day is now observed throughout the nation and the world; and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wild life; and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community; and

**WHEREAS**, trees wherever they are planted, are a source of joy and spiritual renewal.

**NOW, THEREFORE**, I Joseph C. Parisi Jr., Mayor of the Borough of Englewood Cliffs, do hereby proclaim May 7, 2010 as the 138<sup>th</sup> anniversary celebration of

***ARBOR DAY***

in the Borough of Englewood Cliffs, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

**FURTHER**, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

---

**JOSEPH C. PARISI Jr., MAYOR**

Mayor Parisi asked Councilman Asatrian to read the following Proclamation:

**Proclamation**  
**Supporting the *Click It or Ticket***  
**Mobilization of May 24 - June 6, 2010**

**Whereas**, there were 586 motor vehicle fatalities in New Jersey in 2009; and

**Whereas**, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a safety belt; and

**Whereas**, use of a safety belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

**Whereas**, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

**Whereas**, the State of New Jersey will participate in the nationwide *Click It or Ticket* safety belt mobilization from May 24 - June 6, 2010 in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education; and

**Whereas**, the Division of Highway Traffic Safety has set a goal of increasing the safety belt usage rate in the state from the current level of 92.67% to 100%; and

**Whereas**, a further increase in safety belt usage in New Jersey will save lives on our roadways;

**Therefore**, be is resolved that The Englewood Cliffs Mayor and Council declares its support for the *Click It or Ticket* safety belt mobilization both locally and nationally from May 24 - June 6, 2010 and pledges to increase awareness of the mobilization and the benefits of safety belt use .

## **REPORT OF STANDING COMMITTEES**

Council President Agresta noted that the municipal budget was introduced, and it is still being worked on. If anyone had questions he asked that they wait until the public portion of the meeting.

The Council President read the account balances from the finance report.

Councilman Petrone noted that there would be a Planning Board meeting the following night at 7:30pm, and that one item to be discussed is 700 Sylvan Avenue. He advised that having Matt Trovato on the Board is an asset to the town.

Councilwoman McMorrow advised the following information:

- The Building Department Ordinances that were introduced by title deal with amending fees for roofing and business use applications. Mr. Renaud had made recommendations for bringing the department up to date and the ordinances are a first step to that end.
- The Fire Department got a new roof with no complaints of leaking after the last rainstorm. The firemen would be providing refreshments at the Memorial Day festivities.

Mayor Parisi interrupted to ask if the members of the audience would appreciate a robo-call advising of the Memorial Day service. He just wanted to get a consensus of opinion.

Councilwoman McMorrow resumed her report:

- Recreation reported that baseball/softball season had begun. Opening day for Little League had been rained out last week, and was re-scheduled for this Saturday from 1:15-1:30pm.
- The Witte Clinic had begun with a wonderful turnout – Saturdays 9:30am at Johnson Field.
- All 3 scoreboards were working properly – she thanked Mark Neville.
- Summer Camp registrations were coming in quite steadily, with a start date of June 28 at the upper school.
- There will be signups for the Junior Police Academy available during summer camp.
- Community Events - the date for the Street Fair had been changed to September 19 from 11:00am to 4:00pm in conjunction with the Chamber of Commerce, the Lions Club, and the Mayor and Council. The Councilwoman advised that she would let Council know about any updates as the event got closer.

Councilman Plawker noted that as the Beautification Committee Chairman he had met with the Planning Board Attorney, Michael Kates, and an ordinance was being developed to modify and further restrict the destruction of trees. He thought it fitting with Arbor Day being last week with the students planting a tree and this week seeing the nuns backfilling that tree properly. He had a question relative to the flyer he received for the summer camp – Neil Vill’s name was missing from the flyer. He wondered if it was a typo, but felt it was a disservice to a man who devoted his life to the people of Englewood Cliffs. He did not recall having any discussions on changing what had been done for years. He also noted that he received a letter to rename the Little League field – he would like to recommend naming that particular part of the field in Neil Vill’s memory who was the heart and soul of Englewood Cliffs.

Councilwoman McMorrow reminded Council there was a resolution adopted for the members to speak with decorum and she asked that they do so.

The Councilwoman said that an error was made by the person in charge of approving the flyer. When she saw the proof it did have Mr. Vill’s name on it. The proof was then forwarded to the Administrator with a note that the only changes to be made were the date and the amount to be charged - nothing else. She was not aware where the error was made after it left her hands.

Mayor Parisi noted that the camp would still be known as the Neil Vill Summer Camp Program. However unfortunate the error, it was made and had been addressed by himself.

Councilman Asatryan reported on the following items:

- He thanked Deputy Chief Cioffi and Capt. McMorrow, as well as the rest of the Police Department who participated in the Little League volunteering program.
- Board of Adjustment – he felt that the Borough had one of the best Boards in the County.
- Advised the Borough Attorney that Councilwoman McMorrow, the only woman on Council, was being harassed and he directed the attorney to contact the Labor Attorney immediately.

Mayor Parisi wished to clarify that differences of opinion are not necessarily harassment. He did not feel that any actions had shown bias or harassment, or defamation. He added that differences of opinion did not indicate that someone was demeaning someone else, and that decorum meant they would be spoken to with respect. He noted the great thing about this country is that people are allowed to speak their mind. He referred the matter to the Borough Attorney for his opinion.

Councilman Asatrian responded that as the only woman on the Council she was in a protected class, and that there was a pervasive attack on her which limited her ability as an elected official. He noted that she had had mustaches painted on her campaign posters, and that he did not want to discourage any other woman to run for elected office in this town. He felt when the public sees the Councilwoman being badgered, it gives that impression.

Councilman Plawker suggested filing with the Ethics Board for things being spoken about that happened in Executive Session which was a direct violation of state statute, as well as protocol of this Council. He asked for clarification on the resolution for decorum.

Councilman Manolio responded that no one on the Council had anything to do with painting mustaches on the Councilwoman's posters. He felt that had been proven, and that there had been police reports filed on the matter. He had nothing to report on his committees at this time.

Mayor Parisi thanked Mr. Neville for the pot hole repair on Sage Road.

DPW Superintendent gave his report:

- He noted that the March storm cleanup had been completed. The cost of Borough repairs would be approximately \$137,000, including all the roof repairs.
- He had spoken to the Borough Engineer and had formulated a plan for road improvements, and pot hole repairs were moving forward.

Mayor Parisi noted that the Council members should have all received a listing of the proposed road repairs for capital budget discussions. He wanted to finalize these repairs for the next meeting.

The Engineer gave his report:

- He noted he would be meeting with FEMA the next day.
- He advised that a spreadsheet had been prepared on the road repairs – several streets were identified as in dire need of repairs. The listing was given a rating of more dire to less dire. He noted that there was favorable pricing at this time and advised that it would be important to get the specs out as soon as possible to take advantage of that pricing.
- He received a call from NJDOT that they had begun reviewing the close-out paperwork for the Pershing Road project for reimbursement.
- He advised that there was a new law effective May 1 affecting road improvement projects relative to alternate bid specifications and requirements. This would require definition as to the lowest responsible bidder and how that would be determined when bids have a base bid and then alternates.

The Mayor asked what the impact of going through the Riverside Cooperative road program had been for Englewood Cliffs.

The Engineer replied that by going through the Cooperative, the Borough was able to get very competitive prices due to higher volume of materials for the numerous towns bidding at the same time. He noted that those roads completed in the 2009 road program, such as Castle and Van Nostrand, were currently going through a punch-list review.

The Mayor advised the audience that by going through the Riverside Cooperative, the Borough was able to see an approximate savings of 20%.

The Mayor advised that he had noticed a number of low-hanging wires while driving around town. He suggested that the DPW and the police officers (as they make their way around town) be asked to mark down the locations of any of these wires and advise the utility companies accordingly.

The Deputy Police Chief gave his report:

- He advised about the FEMA meeting the next day, and noted that a claim should be submitted regardless of how low the number might be. If a claim is not submitted, there would be zero chance of receiving any funding. He noted that the \$137,000 included overtime, gas usage, vehicle usage, labor, etc. It would not include man hours for the firemen as they are not a paid department. He thanked all involved in putting all the information together for this meeting.
- He noted the Englewood Cliffs Youth Police Academy would be on June 28 and July 2.
- He spoke about the fire on Irving Avenue with a car, and then the garage caught on fire as well – he noted he was glad that Mrs. Vill heard the noise and called it in. He noted that the Fire Department did a great job. He advised the importance of the Fire Official, Joe Cardullo, and the Fire Chief, George Drimones. After investigation it was determined that the car had had a recall for the cruise control, and after sitting there for 6 days it caught on fire.
- He advised that a community resource program for public education and crime prevention is coming out with a newsletter. It will be about the police department with some crime tips, etc., and will be at no cost to the town – the advertisers would be paying for it. He noted it would be out in about 2-3 weeks and would be placed at distribution points throughout the town.
- He asked for consideration on their wish list for a lightning and storm detection system for \$3,000, which could be done through donations. The system alerts you and gives you about 8-15 minutes to get off the field. It can alert you through a light emittance or an audible alarm.
- He advised that there had been a black bear in Englewood that was caught and relocated. They are in the area and people should be prepared.
- He received a letter from the Hackensack EMS for Excellence Award. They were nominated by an EMT from Fort Lee, and the committee was very impressed and talked to paramedics that worked with the Englewood Cliffs Police Officers on a daily basis. The letter outlined numerous incidents that the EMT had witnessed and was very specific in his praise of the outstanding efforts of the officers to secure scenes of all types of accidents and the pre-hospital care of the accident victims until paramedics arrived. He, the Chief, and the Police Commissioner would be attending the awards ceremony on the 17<sup>th</sup> where the officers cited would be recognized. The Chief and the Deputy Chief had decided that all officers in the Department would receive bars to wear on their uniforms to signify their dedication to helping people.

## **OLD BUSINESS**

No one had any old business to discuss at this time.

## **NEW BUSINESS**

Electronic Sign Board

Councilwoman McMorrow noted that she had spoken at last month's meeting about some grant monies that the Board of Health had been offered. Mid-Bergen Health had offered \$12,000 in grant money, and she had been asked to determine if this would be a matching grant (which would cost the Borough money). The Councilwoman noted that she researched the grant and determined that it would be a gift and not a matching-fund grant, but they must approve what the money is spent on. They had approved an electronic sign board. She researched the company that Mid-Bergen had suggested, Millennium Visual Signs, and noted that all had received pamphlets on sign boards that are in use in Woodcliff Lake, Tenafly (they have 3), and Harrington Park from Millennium. Englewood has a sign board from another vendor, but it is similar. In the interim Mid-Bergen contacted the Councilwoman to advise that they had found more money and now the grant would be for \$14,000. The prices she got were for \$16,950 for 2' 9" high x 7' 10" wide, and a larger sign that is 44" high x 8' 10" wide for \$20,975. The difference could be through donations. She asked for permission to try to get those donations. She noted that the deadline to act is July 30, 2010. The sign board must be agreed on and approved by that date. If the sign board is not approved, the money will be lost. They come in red or amber lights.

Mayor Parisi noted that cabling, electric, taxes, fees, engineering, drawings and permits are not included in the total cost listed. He also asked where the sign board would be located.

The Councilwoman responded that she thought the location might be at the corner of the firehouse. She noted that installation would be included in the price given.

Councilman Plawker questioned if they would need 2 signs as it is listed as a single-faced sign board.

The Councilwoman noted that most towns have a single-faced sign but that a double-faced would obviously cost more money. She advised that the most important question was whether Council would give the approval to go forward with this idea.

Councilman Plawker noted the additional costs listed by the Mayor, and advised that he liked the idea of the sign board but felt that it should be 2-sided. He did not feel the firehouse was the appropriate location but that it should be somewhere where everyone drives by. Therefore a 2-sided sign would be @ \$30,000.

The Mayor advised that during earlier discussions, there had been concerns raised on public safety by the Police Department with people reading the signs while driving by, the cost of electric, who decides on the content of the messages displayed, etc.

Council President Agresta felt it was a great idea, and that he had not heard of any accidents occurring in other towns from reading of the signs. As far as content, he felt that anything that would normally be listed in the paper might be appropriate as well as special notices from various departments. He felt that the Police Chief would be a good resource to ask about any safety issues relative to single-sided or double-sided signs.

Councilman Petrone felt it would be a good way to communicate with the residents, and that the cost of maintenance and electric would probably be minimal.

Councilman Asatrian suggested the Engineer would be a good resource for placement, etc.

The Borough Engineer noted he had seen sign boards placed at Recreation Centers, School buildings, etc. Most of those would be on main roads. He wondered about possible solar energy capabilities to reduce electrical costs.

It was noted that the specs call for LED lighting which is very inexpensive.

Deputy Chief Cioffi had researched this idea years ago and they were very expensive. He felt it would be important to figure out location as no one would want any accidents created by someone driving by and trying to read the messages. He felt it was a good idea in general, and noted the traffic bureau would be able to work with Council on an appropriate placement.

Mayor Parisi suggested doing a motion to authorize Councilwoman McMorrow to move forward in raising funds for the sign board.

Councilman Plawker felt it would be important to determine the location before deciding on the size of the sign board and the relative cost to be raised.

**Motion – Authorization to Raise Funds for Electronic Sign Board & Determine Location**

Councilman Petrone moved to authorize Councilwoman McMorrow to look into the feasibility of where and the feasibility of raising money for the electronic sign board and to come back to Council at the June Council meeting with this information for approval. Upon second by Council President Agresta, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**Open to Public Discussion**

Councilman Petrone moved to open the meeting to public discussion. Upon second by Councilman Asatrian, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**Maura Vill** – 27 Irving Avenue - Thanked the Police and Fire Departments for responding to the fire at 4:00am. They did an excellent job of keeping her house from catching fire. She was upset and angry when she received the flyer for the summer camp and saw that her husband's name had been removed. She noted she had contacted the Mayor and Councilwoman McMorrow about the problem. She advised that both had reached out to her, as well as the Administrator, and how appreciative she was. She noted that she had run into the Recreation Director who took full responsibility for the error. She advised that he had received the 2009 flyer and would have only had to change the dates and times. She could not understand how he would have had the authority to change the name of the camp without approval from other members of his department.

**Andrew Nikow** – 54 Elm Street – asked that Council reconsider the location of the sign board, as the front of the firehouse currently has 2 memorials already placed there (War Memorial and the Fallen

Firefighters Memorial) which would be “cheapened” by the placement of the sign board there. He asked that the sign board location be changed out of respect.

**Lynn Norton** – 9 Willow Drive - addressed Councilman Asatrian’s comments relative to his claim of harassment being waged against Councilwoman McMorrow. She felt he had taken a purely political disagreement and turned it into a gender issue, and noted that the Councilwoman usually gives as good as she gets. She disagreed with the attack on Councilman Plawker and felt that he had worked with women for years and had not shown any bias against women. She noted that she was also disappointed that things discussed in closed session had been mentioned. As a former member of Council, she advised that discussions in closed session were for ironing out differences of opinion in private on private matters and this was respected. She asked the Borough Attorney what the rules were for closed session information.

The Borough Attorney noted that closed session discussions are to be kept confidential.

Ms. Norton advised that there had been mention of closed session discussions which went directly to the issue of decorum.

The Attorney noted that he had not been in attendance earlier in the meeting or during the closed session so he was not aware of the discussions she was referring to, but advised that depending on what had been said, there could be potential ethics violations and he would have to investigate to determine if that was the case.

Ms. Norton suggested that Council endeavor to work better together towards the benefit of the town without so much in-fighting.

Councilman Asatrian responded that he disagreed about the harassment of Councilwoman McMorrow, and felt it was appropriate to note that he had observed sexism. He preferred encouraging women, and offered that the Councilwoman should not have to put up with anything more or less than he did. He didn’t feel that this was being political but instead felt he was supporting feminism. He acknowledged that he might be more sensitive to the issue as he had gone through it with the Councilwoman during her campaign. He noted that he respected Ms. Norton’s opinion and was glad that she had not had to deal with harassment during her term on Council. However, he felt he had been witnessing such behavior.

Councilwoman McMorrow noted that she had been disappointed with Ms. Norton’s statement about her giving as good as she gets. She felt that she had been disrespected a number of times during closed sessions, but that the public had not witnessed such behavior for themselves.

Mayor Parisi asked the Borough Attorney to look into both the harassment and ethical matters. He asked that the Attorney come back at the next meeting with a legal decision/opinion for Council.

**Gayle Saraydarian** - 260 Alfred Street – asked the DPW Superintendent to look at the scoreboard as some bulbs are out and it is not fully functional. She also noted that she had seen Councilwoman McMorrow at many functions but would like to see more of Council present at local events. She advised that she would appreciate less arguing among Council, and that they should be coming together more.



**Former Chief Whiting** - 9 Second Street – asked if he would be able to comment on the ordinances before they were adopted. He asked about the suggested use of the reverse 9-1-1 for the Memorial Day events. He wondered if there was a cost involved, and if the calls were intended solely for emergencies.

The Mayor advised that his intent is to use the system for emergencies only, but that it's a judgment call. He added that for the use of the Borough's current system it would be \$79. The County system would be free but it can only be used for emergencies.

Mr. Whiting noted his displeasure with the disparity over Ms. Cohen's title listed in various ways on various documents: Clerk, Acting Clerk, Acting Municipal Clerk, Administrator, etc. He was also upset with the advertisement in the paper for the budget which listed Joe Favaro as the Borough Clerk and stated that copies of the budget were available to the public at his home address. He feels that this should not happen.

Mr. Whiting applauded the Council members who voted to cut the school budget. He understands how difficult that was. He was very disappointed with the members who voted not to cut the budget as he felt that was negating the vote of the people. He noted his surprise over the 4% salary increases for the teachers listed in the school budget.

**Yvonne Favaro** – 70 Johnson Avenue – thanked the Council for their support of the Shade Tree Commission and noted that the Commission is made up of 6 women. She advised that she operates in a man's world when attending meetings and noted that she does not feel threatened. She thanked Councilman Asatrian for his concern, but noted her opinion that women can stand on their own two feet. She thanked Council for their support of Arbor Day, and noted that Council President Agresta read the proclamation well. She thanked Mark Neville, DPW Superintendent, for the wonderful job he had done and continues to do. She asked everyone to consider their carbon footprint when using products like water bottles, etc.

**Jack Geyer** – 34 Toni Drive – asked how he would register a pot hole.

The Mayor advised that he should call the DPW.

Mr. Geyer offered an article on a public shredder truck and asked if the Council had considered offering one.

Councilman Plawker advised that the Administrator is trying to schedule a shredder for the town probably in early fall. He noted that hard cover books can be put through the shredder as well.

**Ed Halas** - 15 Hudson Terrace – noted his love of trees. He thanked Mark Neville for patching the hole on 8<sup>th</sup> Street. He asked about the services of the judge and if everything was working properly in that department (he was assured that it was). He offered his opinion that the Borough should get a 2-faced electronic sign board, noting that it would be apropos considering the behavior of Council of late.

**Angelo Mungioli** – 42 Mercer Avenue – commended the Republicans on Council who brought up the information from closed sessions versus what was said in open session. He felt the Council had taken to grandstanding and it should stop.

There was a brief discussion on attendance at the School Board Budget review meetings over the years.

**Steve Rubinsky** – 654 Summit Street – noted that the speakers were working in the beginning of the meeting but then did not work. He advised that if he cannot hear he will yell that information to the Council so they are aware of it, as it is unfair that conversations are not heard. He asked a young man who had been taking pictures who he was and why he was there.

The Mayor noted the young man was a student who was working on a school project.

Mr. Rubinsky advised that an email blast system should be in place to alert residents to events. He was grateful to have received an email about the evening's meeting from Ron Ofeck. He noted his opinion that putting an electronic sign on 9W was insane as the traffic is going too fast. He felt that most of the towns that have these signs post them where the speed limit is 25mph. He advised that Council needs honesty in speaking to the public, instead of talking about things with only half of the information.

The Mayor asked if anyone else wished to be heard at this time. Seeing none he asked for a motion to close the meeting to public discussion.

**Closed to Public Discussion**

Council President Agresta moved to close the meeting to public discussion. Upon second by Councilman Petrone, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

Mayor Parisi advised that he had received a request from the Greek Church to place 2 3x5 signs on the southwest corner of 9W & Palisades Avenue on June 3 through June 6 on the diner property.

**Motion to Approve Sign Request by Greek Church**

Council President Agresta moved to approve the request of the Greek Church to place two 3x5 signs on the corner of 9W and Palisades Avenue to advertise the Greek Festival on June 3 through June 6. Upon second by Councilwoman McMorrow, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**ADJOURN:**

Mayor Parisi asked if there was any further old or new business. Hearing none the Mayor adjourned the meeting at 12:15am.

Respectfully submitted by Ilene Cohen- Acting Clerk, Administrator

ATTEST:

APPROVED:

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

\_\_\_\_\_  
JOSEPH C. PARISI JR., MAYOR

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

**SPECIAL MEETING AGENDA**

**DATE: June 3, 2010**

**TIME: 7:30PM**

**PLACE: Administration Building**

**PURPOSE: Budget Hearing/Workshop**

\*\*\*\*\*

CALL TO ORDER

**ROLL CALL:**

**OPEN PUBLIC MEETINGS STATEMENT:**

**Review of Municipal Department Budgets**

**Public Portion:**

**ADJOURN:**

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

**MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND COUNCIL**

**DATE: June 3, 2010**

**PURPOSE: Budget Hearing/Workshop**

**CALL TO ORDER AT: 7:30pm**

**PRESENT AT ROLL CALL:**

Mayor	Joseph C. Parisi, Jr.
Councilman President	Robert Agresta
Councilman	Eric Petrone
Councilwoman	Carrol McMorrow
Councilman	Ilan Plawker (absent)
Councilman	Martin Asatrian
Councilman	Thomas Manolio

**ALSO PRESENT:**

Borough Attorney	Fred Semrau, Esq.
CFO	Joe Iannaconi
Deputy Chief	Michael Cioffi
Captain	Michael McMorrow
DPW Superintendent	Mark Neville
Construction Official	Paul Renaud
Recreation Director	Rich Campanelli
Board of Adjustment Secy.	Nancy Milne
Shade Tree Commission	Maura Vill
Acting Municipal Clerk	Ilene Cohen

**OPEN PUBLIC MEETINGS ACT STATEMENT:**

"ADEQUATE NOTICE OF THIS SPECIAL MEETING WAS GIVEN TO THE RECORD AND PRESS JOURNAL AND POSTED AS REQUIRED.

DATE AND TIME OF THIS SPECIAL MEETING WAS LEGALLY GIVEN AS REQUIRED BY THE "OPEN PUBLIC MEETINGS ACT."

THIS NOTICE IS ON FILE WITH THE BOROUGH CLERK'S OFFICE AND POSTED ON THE BULLETIN BOARD.

Mayor Parisi noted that this meeting would be for the budget workshop for the Borough. He advised that there would be no action taken this evening, and that no executive session was anticipated. He added that no employees were Rice Noticed and therefore instructed the Council that they not speak about any employee.

Mr. Semrau advised that Council could not talk about the potential of a reduction in any specific positions without such Rice Notices.

The Mayor so advised the department heads.

Council President Agresta advised that this meeting had been called after review of the budget led him to conclude that the numbers were not where he thought Council wanted to get them to. He acknowledged that it was an exceedingly difficult budget year due to a number of issues, and felt Council should endeavor to roll up their sleeves and work on the budget a little more. He also noted that there were a few new ideas he wanted to discuss. He explained that he had wanted department heads present as each department's budget would be further reviewed and he felt it important to have their input on importance of each line item before more cuts were made.

Mayor Parisi noted that all should have received the introduced budget sheets and, in an effort to make it easier, should address line items with their respective page numbers.

#### Police Department

Councilwoman McMorrow recused herself from Police discussions and left the table.

Council President Agresta wished to discuss the operating expenses line items. He asked the department for their input in where they felt cuts could be made and/or deferred until next year.

Deputy Chief Cioffi expressed concern with reducing a line item this year and then losing more money next year. He cited the education line item. While he would not be sending all his officers this year for training he would be sending them next year (ie. search and seizure training is every two years). He also noted that this line item directly affects overtime, as officers would be required to cover the shifts of those attending classes.

The Council President advised that Council could keep a list of items for review in next year's budget that could include line items that the department was willing to defer this year, so that the line item would technically not start at zero next year.

The Mayor was concerned with binding the Council next year to an agreement made this year.

The Council President acknowledged the Mayor's point, and felt that Council could have an informal agreement amongst the Council that the budget review for next year would look at the items on the list, but could not guarantee anything.

The Mayor noted that he is in favor of long-term plans in theory as budgets are not static and are ever-changing, and therefore he would hope that next year's Council would understand that some things and their relative costs are different from one year to the next.

The Deputy Chief felt that he could cut \$13,000 from his budget to give back to the town. He denoted the following line items:

Clothing Allowance	\$2,000 – budgeted for 26 officers but only have 24
Education	\$4,000
Miscellaneous Expenses	\$2,000

Radio Equipment	\$1,000
Service Contracts	\$2,000
Testing	\$1,000
Auctions & Towing	\$1,000

The Deputy Chief noted two items of importance: police vehicles and physical exams. He gave the Administrator information on the police vehicles being a hazard. They have 90,000+ miles on some of them which are a safety hazard. He had been asked for a 5-year plan which noted that he felt that getting 2 new vehicles each year would eliminate these safety issues and he would be able to keep rotating the fleet which would be under warranty. He noted he could get an extended warranty for up to 75,000 miles. This year he was asking for 3 new vehicles due to high mileage.

The Council President asked if all the vehicles were rotated for each shift.

The Deputy Chief advised that all vehicles except the SUV's as they do not do as well with pursuits or high mileage. He noted that he prefers to keep them for inclement weather, but does use them occasionally for patrol if other vehicles are out for service or otherwise unavailable. He generally uses 4 line cars that he switches up so that they are not running constantly, but 2 have over 90,000 miles and 1 is coming up on 70,000+ miles. The warranties end at 75,000 miles.

The Council President noted that the CFO had advised of certain financial benefits for the Borough to use SUV's, including that they could be purchased as a capital expense. He asked if they would consider getting more SUV's.

The Deputy Chief advised that he did not feel it was a good idea. He felt that they do not hold up as well as the cars with the heavy wear and tear, as well as that he often has problems with the increased height of the vehicles getting underneath the lower buildings, etc.

Councilman Asatrian asked if the Deputy Chief felt that he absolutely had to have new vehicles this year or if he could wait until next year.

A discussion followed on the subject of new police vehicles noting repair costs of the existing fleet as well as the types of vehicles and where to put them in the budget. Also discussed were the additional equipment required for each vehicle and the rules and regulations set by the State.

Mayor Parisi noted that if no new vehicles would be purchased the repair line item might need to be increased.

It was decided not to purchase any new vehicles this year.

Councilman Asatrian asked the Deputy Chief what the education line item represented.

Deputy Chief Cioffi advised the different types of classes recommended: 9-1-1; domestic violence, mandatory EMT; etc. He noted that the Prosecutor's Office had a list of mandatory classes each year as well. He further noted that the state is trying to get departments to convert their ammunition to reduce the lead which will require training as well.

Councilman Asatrian asked how many bullets were discharged last year.

The Deputy Chief noted the different ammunition and the certification required each year.

The Mayor noted that the Borough has its own shooting range and asked if sharing the service with other towns would save some money.

Deputy Chief Cioffi advised that the Borough had tried doing so with Tenafly but there were no cost savings due to state contract on the ammunition, so the shared service arrangement was ended.

The Mayor asked the Deputy Chief to look into any shared service arrangements for the future.

The Deputy Chief and Captain left at this time, and Councilwoman McMorrow returned at this time.

After a brief discussion on which department to review next it was decided to look at the capital budget items for the police. The Deputy Chief and Captain returned to the meeting, and the Councilwoman recused herself and left again.

Deputy Chief Cioffi addressed the phone system at the headquarters which is rapidly deteriorating and can go out at any time, despite years of being nursed along. The proposed phone system (VOIP) has many features such as being able to replace the existing recording system for the Mayor and Council meetings.

The Mayor noted the replacement of the existing public address system as well.

Councilwoman McMorrow returned as the discussion was for the Borough in general and not specific to the police.

The Deputy Chief noted that to get a system for use in all Borough buildings would be \$137,000 without the bells and whistles. This system also has the capability for add-ons at a later time. He noted that the phones had been out for a few days during a rainstorm.

The Councilwoman asked if a bid was required.

Mr. Semrau advised that bids can be requested but can still go with the vendor who has the state contract.

A discussion on the merits of bonding for the entire Borough system now or just the emergent situation at the police building (@\$90,000) followed.

It was decided to go with a new system at Headquarters only at this time.

The Deputy Chief also asked about the new radio system he had requested. He reminded Council that by 2012 all radios will need to be on the new system or they will not work.

#### DPW

The Mayor noted that there was a line item for a new hire but that it would only be for 6 months and therefore ½ of the contractual salaried amount - \$13,250. He further noted that the department was currently down 2 men.

Mr. Neville noted that he needed another person for leaf and snow seasons.

Councilman Manolio offered the opinion that the numbers should be looked at for comparison over the new hire at \$13,250 versus what overtime would be during those same 6 months without a new hire.

The DPW overtime expended so far for 2010 was \$32,000.

Councilwoman McMorrow suggested using a service such as Labor Ready to fill this need.

Mr. Neville advised that these part time laborers do not drive vehicles or have the training to use the equipment, and he would be uncomfortable using them for safety reasons.

It was suggested that the Councilwoman could utilize grants to cover the expenses for a new hire such as the Clean Communities grant or the Recycling grants.

The Councilwoman suggested that if Council were to hire a new employee that they do so on a part-time basis without benefits.

The question was raised about hiring 2 part-timers without benefits.

Mr. Semrau advised that he would have to investigate that idea as he was not sure if it would be a labor issue.

The Mayor suggested leaving the numbers the way they were until Mr. Semrau could advise Council accordingly.

Mr. Neville suggested cutting the line item for janitorial services for outside vendors, and noted that this would be for all municipal buildings.

Mayor Parisi asked about the janitorial supplies line item, but there was no way to determine what could be saved.

Councilwoman McMorrow asked about reducing the line item for the fire department as only \$1,283 was used out of \$2,500 from last year's budget. It was agreed to reduce it to \$1,500.

The CFO suggested a radical change by eliminating garbage services as they do in other areas of the state where the homeowners contract for themselves. This would eliminate a major expense.

The Mayor noted his objection to doing so.

The DPW Capital budget was discussed.

The Mayor advised that 17 roads were in dire need of repairs.

Councilman Asatrian suggested doing more roads now, perhaps 40, while the bonding rates are so low, plus with the potential for savings for increased materials for a larger project.

Council President Agresta felt the critical roads should be redone and the rest merely patched. He noted that just because the rates were low was no reason to do everything now.

There was a discussion on the merits of increasing the items in the capital budget versus trying to do the bare minimum despite the lower rates.

Councilwoman McMorrow noted that the budget as it was developed raised the residents' taxes by \$500 per household for just the municipal portion without county, state, and school budgets.



The Mayor noted he preferred long-term ideas as opposed to quick fixes, especially if the Borough is hit with a hard cap situation next year.

Council President Agresta suggested 5 or 6 roads to replace and to patch the rest.

Councilwoman McMorrow asked if the Borough could utilize the funds left over from the Kahn and Pershing projects, but was advised that those projects would be reimbursed only for the amount spent.

Councilman Asatrian suggested bearing in mind the issues of liability as there are a lot of people who ride bikes around town over these damaged roads.

Council asked Mr. Neville if he would be able to eliminate all the other items on his list if they agreed to keep more roads on the list.

He noted a few that might be a problem: the generators at the pump stations are a necessity when power goes out; and the garbage truck – he needs 3 trucks to handle the recycling pickups but one of them is hanging on by a thread and he only has one other one, and he had compromised by only asking for 1.

Councilwoman noted that there might be some grant money available for a garbage truck from the Clean Communities grant.

The 10 emergency generators were removed from the list.

The 2 air conditioning units for Borough Hall were left in. The Chipper truck could be bought through Clean Communities grant monies, so that was removed from the list.

There was discussion about replacing an older DPW truck with 110,000 miles. A new pickup truck would be about \$30,000 which could be fitted with a plow.

At this time the bonding figure was \$1,546,000.

#### Building Department

Mr. Renaud suggested reducing his education line item by \$1,000 and his state computer line item by \$200.

#### Environmental Commission

The Mayor asked if anyone had suggestions for the names of people willing to go out on inspections.

Councilwoman McMorrow noted that she and Mr. Renaud had been discussing some additional items of revenue and that they would be meeting again on this matter and would advise Council accordingly.

Mr. Renaud asked about the line item for the elevator inspections.

The Mayor advised that this might be done by a part time employee, but that it had not yet been determined.

Ms. Cohen asked Mr. Neville about the sewer inspection operator noting that there is no one currently in this position. It was agreed to put the amount at \$4,500.

#### Recreation Commission

Mr. Campanelli noted a few items to be reduced which were agreed to, including reducing the cleaning of the snack bar by \$1,500.

#### Fire Department

Councilwoman McMorrow noted that the SUV was to be removed. Additionally, conferences/meetings were to be reduced to \$5,000 and conventions to \$7,000.

#### Library

The amount for the library was reduced by the signed agreement with Englewood. Councilwoman McMorrow asked Mr. Iannaconi if there was state aid for the library this year.

Mr. Iannaconi advised that there was \$40,000 in state aid, but once it was used it would be gone. He further advised that the Borough receives \$2,000 each year which accumulates.

It was noted that in previous years, library state aid was used to offset costs. Mr. Iannaconi noted that the tax levy was increased, but not the appropriations. He outlined where the increases were in the budget.

The group insurance line item was reduced to \$34,500, and the entire \$40,000 in state aid was to be used for offsetting the library appropriations.

A discussion on the possibility of cancelling old, funded ordinances ensued, noting the deadline to add a line item not previously existing in the budget was in December of 2009.

Mr. Iannaconi advised that there was \$335,000 of unused funds from bond ordinances. The auditor had suggested cancelling these funds with permission of the state and using the funds as revenue. The largest item listed was for \$245,000 for DPW vehicles and equipment, as well as a new phone system for the administrative building, a 4-wheel drive vehicle for the police department, and a 4-wheel drive vehicle for the fire department. He did not recommend doing this for the larger amount, but thought doing so for the smaller items would be acceptable by the state. He cautioned, however, that this would be a one-time fix and would need to be funded next year.

Mr. Semrau asked for clarification if this would then be cancelling and then re-allocating the funds.

Mr. Iannaconi advised that this was correct.

Councilwoman McMorrow asked if this would actually lower this year's budget.

Council President Agresta asked if the Borough was currently paying interest on this amount.

Mr. Iannaconi noted that, yes; the Borough is paying interest as the money is already there.

A brief discussion followed on this idea, as well as miscellaneous revenue amounts.

Mr. Iannaconi cautioned Council that if they utilize these one-time fixes which reduce the surplus, you run the risk of increasing your tax levy the following year which could lead to a deficit. Should

that happen, the state will look into why the Borough allowed that to happen. He advised that he would not feel comfortable with a surplus of less than \$1.5m.

Council requested a listing of 3 different overviews of options available to them.

Mr. Iannaconi suggested the following possible amendments to the revenue side of the budget: nothing; the maximum; and something in between. He will be in touch with the auditor and advise Council accordingly. Mr. Iannaconi advised that the public hearing would proceed as scheduled on June 9, but that the vote would not be taken until the amendments to the budget were properly handled.

The total reduction to the budget as introduced was \$155,000 at this time.

Mr. Iannaconi advised that he would come up with an estimated tax rate based on all the available data at that time, and asked Council to agree to a number so he could process the 3<sup>rd</sup> quarter tax bills. He used the County, school and municipal information, and advised that the current information would reflect an increase of \$824 in taxes per residence.

#### **OPEN TO PUBLIC DISCUSSION**

Council President Agresta moved to open the meeting to public discussion. Upon second by Councilwoman McMorrow, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**Mary O'Shea** – 12 Irving Avenue – asked about the DPW budget items. She noted that her husband had previously worked part-time for the DPW. She felt that there was not a whole lot of skill involved with leaf collection and could easily be handled by a part-time person. She also noted Council's efforts in reducing the number of vehicles asked for in the budget. She further advised that having old ordinances that the Borough is paying interest on should not be kept unused and not working for the Borough, and should be cancelled and used elsewhere.

#### **CLOSED TO PUBLIC DISCUSSION**

Councilman Manolio moved to close the meeting to public discussion. Upon second by Council President Agresta, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

Council President Agresta had one other item for discussion and asked Councilwoman McMorrow to recuse herself as it pertained to the Court budget. The Councilwoman agreed to recuse herself.

The Council President noted that the overtime for Ms. McSpirit was very high, and suggested that the Borough consider hiring an additional part-time person to handle the additional workload.

The Mayor noted that Council should speak to the judge as the department head.

Councilman Manolio advised that this had occurred before, and Ms. McSpirit had someone come in to assist her.

Councilwoman McMorrow suggested that Council review the budget and suggest ways to increase revenues by the next meeting.

Mr. Semrau advised that the Administrator had contacted him earlier that day to advise that she had received a letter addressed to herself and the Council from Councilman Plawker that he wanted read at this evenings meeting. Mr. Semrau read the letter which advised that he would no longer attend or be participating in meetings where there would be any possibility of a closed session discussion on any topic. The Councilman further advised that the act by another Council member to reveal the content of closed session discussions and deliberations was a breach of the public trust, ethics, and, according to informed legal opinion, most probably contrary to state law. He asked that Mr. Semrau file a formal complaint with the Attorney General. He added that should he not be notified by June 13 that said complaint had been filed, he would immediately take appropriate legal action. Mr. Semrau noted that he would look into the matter and advise Council accordingly by next week's meeting.

Councilwoman McMorrow asked Ms. Cohen for the status of the closed session minutes and that they be made available as soon as possible.

Ms. Cohen advised that the Deputy Clerk was working on the minutes.

**NEW BUSINESS**

There was no new business to discuss at this time.

**OLD BUSINESS**

Mayor Parisi advised that when committees need to meet with him, he would have Ms. Cohen schedule meetings with groups and then they could determine how to proceed from there. This was relative to quorum issues.

He passed out paperwork for potential police promotions for everyone to consider at a future meeting. This was as a result of the current retirements. He reminded everyone that this information was to remain confidential.

Council President Agresta asked Councilwoman McMorrow to recuse herself for one moment, which she did. He asked Mr. Iannaconi if the most recent police position hired was being paid out of confiscated funds as directed as a condition of that hire. He further asked that if this was not the case, would he please correct that and amend the budget to reflect that accordingly.

Mr. Iannaconi advised that he would look into the matter.

There was no further old business to discuss at this time.

With no further business to be addressed, Mayor Parisi adjourned the meeting at 11:10pm.

**ATTEST:**

**APPROVED:**

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**Ilene Cohen, Acting Borough Clerk**

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**JOSEPH C. PARISI JR., MAYOR**

**BOROUGH OF ENGLEWOOD CLIFFS  
10 KAHN TERRACE  
BERGEN COUNTY, NEW JERSEY**

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**CAUCUS MEETING AGENDA – JUNE 9, 2010**

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**CALL TO ORDER AT 6:30 P.M.**

**ROLL CALL:**

**FLAG SALUTE:**

**"OPEN PUBLIC MEETINGS ACT" STATEMENT**

**CLOSED SESSION:** Resolution 10-92

**DEPARTMENT REPORTS:**      Police Report of May, 2010  
   Court Report of May, 2010  
   Construction Code Officials Report of May, 2010  
   Collector/Treasurer's Report of April, 2010

**CLAIMS FOR THE PERIOD OF May 13, 2010 to June 9, 2010**

**APPOINTMENT:** Appoint Ilene Cohen Acting Insurance Fund Commissioner

Appoint Kathryn Harris as Deputy Registrar

**RESOLUTIONS:**

**If anyone wishes to comment on any Resolution, listed below, they may do so at this time.**

2010-

- 90      Novelli Resolution
- 91      Novelli Agreement
- 93      Estimated Tax Rate Resolution
- 94      Dedication of West Field- Neil Vill Memorial Field
- 95      County Snow plowing Agreement
- 96      Liquor License Renewals
- 97      Appoint Junior Firefighter Charles Jacobson
- 98      Approve Seasonal Positions-DPW
- 99      Resolution to Accept Donation to Police-Unilever
- 100     Resolution to Accept Donation to Police-L&K Dental
- 101     Resolution to Accept Donation to Police-JS America Inc
- 102     Approve Seasonal Positions-Camp
- 103     Appoint Kathryn Harris as Secretary to BOH
- 104     Appoint Elevator Sub-Code Inspector
- 105     Appoint Sewer Collections Officer
- 106     Amend Chief Bauernschmidt's Resolution
- 107     Appoint Risk Management/Broker Agreement
- 108     Authorize Grant for Sign Board

**ORDINANCES: INTRODUCTION**

2010-10      **Bond Ordinance to authorize payment to Sanzari for Riverside Coop Project**

**ORDINANCES: PUBLIC HEARING AND ADOPTION**

- 2010-05      CAP Rate Ordinance Introduction
- 2010-06      Easement and Indemnification Agreement 6 Raymond St.
- 2010-07      Amend and Supplement Chapter 9, with addition of 9-24 business zoning applications
- 2010-08      Ordinance Amending and Supplementing Chapter 9-1.3-Fees for roofing
- 2010-09      Amend Local Assistance Board

**OTHER BUSINESS:**      Correspondence

**COMMITTEE REPORTS:**

**REPORT OF BOROUGH ATTORNEY:**

**REPORT OF BOROUGH ENGINEER:**

**OLD BUSINESS:**              Electronic Message Board

**NEW BUSINESS:**

**EVENT ANNOUNCEMENTS:**

**PUBLIC PORTION:**

**ADJOURN:**

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

**MINUTES OF THE CAUCUS MEETING OF JUNE 9, 2010**

**CALL TO ORDER AT 6:30 P.M.**

**PRESENT AT ROLL CALL:**

Mayor	Joseph C. Parisi, Jr.
Council President	Robert Agresta
Councilman	Eric Petrone
Councilwoman	Carrol McMorrow
Councilman	Ilan Plawker
Councilman	Martin Asatrian
Councilman	Thomas Manolio

**ALSO PRESENT:**

Borough Attorney	Fred Semrau (6:40pm)
Labor Attorney	Fred Knapp
Borough Engineer	Bernard Mirandi
CFO	Joe Iannaconi
Chief of Police	Thomas Bauernschmidt (absent)
Deputy Chief	Michael Cioffi
Police	Capt. McMorrow
Supt. of Public Works	Mark Neville
Acting Municipal Clerk	Ilene Cohen

**MAYOR PARISI ASKED THAT THE FOLLOWING STATEMENT BE READ:**

Adequate notice of this meeting was given to the press and posted as required. Date and time of this meeting 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.

Mayor Parisi noted that the Borough Attorney was on his way and then Council would go into closed session. He advised that he would be changing the order of business in the interim.

Mr. Iannaconi advised that the State had not yet given their permission for the Borough to adopt the budget at this time.

There was a brief discussion about how to estimate the tax rate based on the available information at this time.

Mr. Iannaconi wished to come up with a number so that he could send out the estimated tax bills for the 3<sup>rd</sup> quarter. If the bills were to go out late, the Borough could run into a cash flow problem. He advised that he had to allow for 25 days between when the bills go out and the due date for payment. He wanted to send the tax letters with 3<sup>rd</sup> quarter bills by July 1. He further advised that if the estimated amount was lower or higher than the actual number, the difference would be adjusted in the 4<sup>th</sup> quarter tax bills.

The Mayor noted that Mr. Iannaconi had estimated the tax rate to be an increase of .812.

Mr. Semrau asked to discuss the Elevator Sub-Code position. The salary proposed would be covered entirely by the fees received from the inspections. He asked the CFO and Mr. Knapp to verify that doing so would be acceptable. He noted that this position would be part-time, with no benefits, but that all inspections would be completed as required.

Mayor Parisi advised that the previous formula was that the inspector would be paid from 75% of the inspection fees charged for each inspection.

A discussion followed on the different ways to pay this position.

Mayor Parisi asked Mr. Semrau to clarify the items to be discussed in the closed session.

**CLOSED SESSION: RESOLUTION 2010-92**

**Councilman Asatrian moved to go into closed session. Upon second by Councilman Petrone, Resolution 10-92 was offered for adoption. Motion carried and Resolution was adopted.**

ROLL CALL:

AYES: Agresta, Petrone, McMorro, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**RESOLUTION 10-92**

**A RESOLUTION OF THE BOROUGH OF ENGLEWOOD CLIFFS,  
COUNTY OF BERGEN AND STATE OF NEW JERSEY**

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Borough Council of the Borough of Englewood Cliffs on the 9<sup>th</sup> day of June, 2010 that:

1. Prior to the conclusion of this **Caucus Meeting**, the Borough Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court. \_\_\_\_\_
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy. \_\_\_\_\_
  - (x) b. (4) A collective bargaining agreement including negotiations. **PBA negotiations, DPW negotiations.**

- ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege. Police lawsuit, D. Fehre lawsuit, correspondence from the Superintendent of Schools on the school budget, and executive session protocol.
- (X) b. (8) Personnel matters. Police promotions, Amended Chief's separation pay.
- ( ) b. (9) Deliberations after a public hearing that may result in penalties.

2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted:

Adopted this 9<sup>th</sup> day of June, 2010  
and certified as a true copy of an original.

\_\_\_\_\_  
Ilene Cohen, Acting Borough Clerk

Council went into closed session at 7:00pm.

**OPEN SESSION:**

Councilman Manolio moved to return to open session. Upon second by Councilwoman McMorrow, motion carried at 8:06pm.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**NEW BUSINESS**

There was no new business to discuss at this time.

**OLD BUSINESS**

There was no old business to discuss at this time.

**ADJOURN:** Mayor Parisi adjourned the Caucus meeting at 8:07pm.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

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JOSEPH C. PARISI JR., MAYOR



**BOROUGH OF ENGLEWOOD CLIFFS  
10 KAHN TERRACE  
BERGEN COUNTY, NEW JERSEY**

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**REGULAR MEETING AGENDA – JUNE 9, 2010**

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**CALL TO ORDER AT 8:00 P.M.**

**ROLL CALL:**

**FLAG SALUTE:**

**"OPEN PUBLIC MEETINGS ACT" STATEMENT**

**CLOSED SESSION:** Resolution 10-92

**DEPARTMENT REPORTS:**      Police Report of May, 2010  
   Court Report of May, 2010  
   Construction Code Officials Report of May, 2010  
   Collector/Treasurer's Report of April, 2010

**CLAIMS FOR THE PERIOD OF May 13, 2010 to June 9, 2010**

**APPOINTMENT:** Appoint Ilene Cohen Acting Insurance Fund Commissioner

                         Appoint Kathryn Harris as Deputy Registrar

**RESOLUTIONS:**

**If anyone wishes to comment on any Resolution, listed below, they may do so at this time.**

**2010-**

- 90      Novelli Resolution
- 91      Novelli Agreement
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- 105      Appoint Sewer Collections Officer
- 106      Amend Chief Bauernschmidt's Resolution
- 107      Appoint Risk Management/Broker Agreement
- 108      Authorize Grant for Sign Board
- 109      **Liquor on 6/21**
- 110      **D. Fehre Separation of Pay**

**ORDINANCES: INTRODUCTION**

*2010-10 Bond Ordinance to authorize payment to Sanzari for Riverside Coop Project -NOT DONE*

**ORDINANCES: PUBLIC HEARING AND ADOPTION**

- 2010-05      CAP Rate Ordinance Introduction
- 2010-06      Easement and Indemnification Agreement 6 Raymond St.
- 2010-07      Amend and Supplement Chapter 9, with addition of 9-24 business zoning applications
- 2010-08      Ordinance Amending and Supplementing Chapter 9-1.3-Fees for roofing
- 2010-09      Amend Local Assistance Board

**OTHER BUSINESS:**      Correspondence

**COMMITTEE REPORTS:**

**REPORT OF BOROUGH ATTORNEY:**

**REPORT OF BOROUGH ENGINEER:**

**OLD BUSINESS:**              Electronic Message Board

**NEW BUSINESS:**

**EVENT ANNOUNCEMENTS:**

**PUBLIC PORTION:**

**ADJOURN:**

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

**MINUTES OF THE REGULAR MEETING OF JUNE 9, 2010**

CALL TO ORDER AT 8:19 P.M.

PRESENT AT ROLL CALL:

Mayor	Joseph C. Parisi, Jr.
Council President	Robert Agresta
Councilman	Eric Petrone
Councilwoman	Carrol McMorrow
Councilman	Ilan Plawker
Councilman	Martin Asatrian
Councilman	Thomas Manolio

ALSO PRESENT:

Borough Attorney	Fred Semrau, Esq.
Borough Engineer	Bernard Mirandi
CFO	Joseph Iannaconi
Chief of Police	Thomas Bauernschmidt (absent)
Deputy Chief	Michael Cioffi
Supt. of Public Works	Mark Neville
Acting Municipal Clerk	Ilene Cohen

Council President Agresta led the Pledge of Allegiance.

MAYOR PARISI ASKED THAT THE FOLLOWING STATEMENT BE READ:

Adequate notice of this meeting was given to the press and posted as required. Date and time of this meeting 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.

THE FOLLOWING REPORTS WERE PLACED ON THE REGULAR AGENDA FOR APPROVAL.

Councilman Asatrian moved to approve the following reports. Upon second by Council President Agresta, motion carried and the reports were approved.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

Police Report of May, 2010  
Court report of May, 2010  
Construction Code Official's Report of May, 2010  
Collector/Treasurer's Report of April 2010

Payment of Claims

Council President Agresta moved to approve the payment of claims of May 13-June 9. Upon second by Councilwoman McMorrow, motion carried and the claims were approved.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

The Mayor advised that he had a few appointments to make at this time.

**Appoint Acting Insurance Fund Commissioner**

Councilman Plawker moved to appoint Ilene Cohen as the Acting Insurance Fund Commissioner. Upon second by Councilman Asatrian, motion carried.

ROLL CALL:

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**Appoint Deputy Registrar**

Councilwoman McMorrow moved to appoint Kathryn Harris as the Deputy Registrar. Upon second by Council President Agresta, motion carried.

ROLL CALL:

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian

NAYS:

ABSTAIN: Manolio

Mayor Parisi noted that the order of the agenda was being changed this evening to accommodate members of the audience who were in attendance relative to Resolution 2010-94, the dedication of West Field to the Neil Vill Memorial Field.

**Councilman Manolio moved to adopt Resolution 2010-94 to rename West Field as the Neil Vill Memorial Field. Upon second by Councilman Plawker, motion carried.**

**ROLL CALL:**

**AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio**

**NAYS:**

**ABSTAIN:**

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

**RESOLUTION 10-94**

**BE IT RESOLVED;** that the Mayor & Council of the Borough of Englewood Cliffs does hereby name the West Field at Witte Field, “The Neil Vill Memorial Field” in memory of Neil Vill; a dear friend to the Borough of Englewood Cliffs, Councilman, and Recreation Director. He was instrumental in the formation of the Little League, was VP of the League, a Player Agent, a Minor League Coach, as well as a Senior League Manager.

**BE IT FURTHER RESOLVED,** that a copy of this resolution will be presented to Mrs. Vill in recognition and appreciation of Mr. Vill’s passion and dedication to the Borough of Englewood Cliffs, especially to the Little League, all of the children of Englewood Cliffs, and the Recreation Program.

This resolution was adopted by the Mayor and Council of the Borough of Englewood Cliffs at a meeting on June 9, 2010.

BY: \_\_\_\_\_  
Joseph C. Parisi, Jr., Mayor

ATTEST: \_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

Mayor Parisi noted that Mr. Vill had been the father of many good players, and was very dear to himself as well as the Borough.

Councilman Plawker noted that Mr. Vill had cared about the community and gave of himself 24/7. He felt that he had been a real gem, and that all through his illness he asked about how things were going in town.

The Mayor recognized the members of the Little League in attendance who had made this recommendation. He remembered that Mr. Vill had always been there with the support of his lovely wife. He thanked the Little League. He advised that whenever the new plaque would be dedicated, it would be with the full support of the Mayor and Council.

Maura Vill thanked the Little League and Mayor and Council for this wonderful honor. She thanked everyone who had started the Little League as well. She remembered all the years the family spent in town and being involved in the Little League activities. She hoped they would continue to remember that the program is all about the children. She thanked everyone on behalf of the Vill family.

Joe Luppino, Little League President, noted that Mr. Vill had been a big supporter of putting together a Little League Board. He also noted that no matter what the need was (more uniforms, more training, etc.), Mr. Vill was always there to help. He thanked the Mayor and Council for this award.

**ORDINANCES – Second Reading**

**Ordinance 2010-05 CALENDAR YEAR 2010 ORDINANCE TO EXCEED MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

**Council President Agresta moved to adopt Ordinance 2010-05 on second reading by title only. Councilwoman McMorrow made the second.**

**Open to Public Discussion on Ordinance 2010-05 only**

Council President Agresta moved to open the meeting to public discussion on Ordinance 2010-05 only. Upon second by Councilwoman McMorrow, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

No one wished to be heard at this time.

**Closed to Public Discussion on Ordinance 2010-05 only**

Councilman Asatrian moved to close the meeting to public discussion on Ordinance 2010-05. Upon second by Councilman Manolio, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**ROLL CALL TO ADOPT ORDINANCE 2010-05**

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**Ordinance 2010-05 was adopted.**

**BOROUGH OF ENGLEWOOD CLIFFS  
CALENDAR YEAR 2010  
ORDINANCE TO EXCEED MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**Ordinance 2010-05**

**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 can authorize 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 Mayor and Council of the Borough of Englewood Cliffs in the County of Bergen finds it advisable and necessary to increase its CY 2010 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 Mayor and Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 351,230 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and 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 2010 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 to 3.5 %, amounting to \$ 351,230 , and that the CY 2010 municipal budget for the Borough of Englewood Cliffs be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, 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 indicated thereon, be filed with said Director within 5 days of adoption.

---

Ilene Cohen, Acting Borough Clerk

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Joseph C. Parisi, Jr., Mayor

**Public Hearing on 2010 Municipal Budget as Introduced – Open to Public Comment**

Council President Agresta moved to open the meeting to public comment on the 2010 budget as introduced. Upon second by Councilwoman McMorrow, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

Councilman Plawker noted that he had not participated in the last budget workshop due to a conflict relative to closed session discussions that were spoken about in open session. He advised that he should hear from the Attorney General's office by Monday on this matter which he felt was a violation of law.

The Councilman had a question about a line item in the budget.

The Mayor asked the Councilman to give the account and sub-account number so other members could follow the discussion.

The Councilman noted the discussion was relative to line item 2100-255 for insurance.

The Mayor deferred to the CFO for clarification.

Mr. Iannaconi noted that this item was not in the introduced budget, but was only in this evening's worksheets.

The Mayor advised that Council would be discussing the budget as introduced. He advised that there would be another, separate, budget hearing at another time to vote on the completed budget.

Mr. Iannaconi advised that the insurance line item Councilman Plawker was referring to was the additional premium for the Borough's share of the deductible of a lawsuit filed against the Borough.

**Jack Geyer** – 34 Toni Drive – asked about the line item listed for the police and fire retirement system which showed a major increase from last year. He asked what this was for.

The Mayor responded that this was for the police pension system.

Mr. Rubinsky advised the Mayor that he couldn't hear.

The Mayor asked him to raise his hand instead of yelling out and he would be recognized.

Mr. Geyer asked where he could find any notice of severance pay for retirements in the budget.

Mr. Iannaconi advised that it would be reflected in that particular department's salary line.

The Mayor clarified that Council would have that listed in the worksheets as terminal pay.

**George Drimones** – 71 John Street – asked about the line item for the municipal court adjustment program.

Mr. Iannaconi advised that this was for the salaries that were still being negotiated in that department.

### **Closed to Public Comment**

Councilman Manolio moved to close the meeting to public comment on the introduced 2010 budget. Upon second by Council President Agresta, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

Mayor Parisi advised that there would be another budget hearing on the finalized budget.

Council President Agresta advised that Council would be looking at further issues involving anticipated revenues and further appropriation adjustments, and that there would be another budget workshop.

There was a member in the audience who was having trouble hearing the Council. The Mayor suggested she move to the front of the room, and the Council President repeated what he had said.

Mr. Rubinsky asked if Council had a date for the workshop and if it was open to the public.

The Mayor noted that all meetings are open to the public and that a date had not yet been determined as he was trying to get all appropriate parties together at a convenient time for everyone. He felt it might be a morning session.

### **Open to Public Comment**

The Mayor asked if Council had any objection to opening the meeting to the public again at this time. There was no objection and the meeting was opened on advice of Counsel.

**Emanuel Binder** – 33 Stephen Drive – he had a question about grandfathering clauses. He explained that he had lived in Englewood Cliffs for 50 years, and was now having a problem with a neighbor who advised him that he was encroaching on his property. He asked if the Council had jurisdiction to pass a grandfathering clause. The neighbor had taken him to court and his attorney had advised that the town could not give them an opinion on the grandfathering issue. He noted that the new neighbors had knocked down the existing house and put up a huge house, as well as changed the topography which changed the drainage of the property. The encroachment issue refers to a section of ½ foot by 2 feet that runs along @ 70 feet of the property line.

Mayor Parisi advised that the meeting was open for discussion on the budget but would defer to Council at this time since Mr. Binder had explained the situation in detail. He further advised that while this was not the proper time or venue to answer his questions, he would be happy to discuss it further to get more information since there was a lawsuit. He suggested Mr. Binder could speak to himself, any Council members or the Borough Attorney on this matter to give him the information for his attorney.

Mr. Semrau advised that he would give Mr. Binder his phone number to give to his attorney so he could discuss it further with that attorney.

The Mayor advised that, as there is a pending lawsuit, Council could not speak about the matter as their response might inadvertently influence the outcome of the lawsuit. He urged Mr. Binder to contact the Borough Attorney, Fred Semrau.

### **Closed to Public Comment**

The Mayor closed the meeting to public comment on the budget with advice of Counsel.

### **RESOLUTIONS**

Mayor Parisi advised the audience that the CFO had recommended that Council set an estimated tax rate in order to allow the Borough to conduct business and pay the bills until the actual rate is set by the County; therefore, the Borough would introduce Resolution 2010-93.



Open to Public Comment

Councilman Plawker moved to open the meeting to public comment on Resolution 10-93 as listed on the agenda. Upon second by Council President Agresta, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

Council President Agresta advised the Mayor that there were no numbers listed in the Resolution and therefore Council would need to discuss and determine those numbers before the audience could comment on them.

The Council President suggested to the Mayor that as there had been budget discussions earlier in the meeting, he asked to do a motion to table further consideration on the budget until the next meeting or sooner if a special meeting were called. Upon further discussion, the motion was amended as follows:

Motion to Move Further Consideration on the Budget

Council President Agresta made a motion to move further consideration on the budget until a meeting date to be determined but no later than the regular July meeting. Upon second by Councilwoman McMorrow, motion carried.

ROLL CALL:

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

The Mayor explained that certain paperwork must be completed to satisfy statutory requirements with the state on the municipal budget and that was why Council was moving these budgetary discussions to a subsequent meeting.

The Mayor advised the public that Resolution 2010-93 to establish an estimated tax rate was recommended by the CFO at this time. He further advised that the CFO had offered Council 3 different rates to choose from, but that he had recommended a rate of .812%. This would incorporate the County, School, and municipal tax rate with the school being a fixed amount and the rest an estimate.

The Mayor, Council, and the CFO discussed the benefits in choosing the 3 different rates, as well as where the revenue would come from that the Borough would be using to operate the Borough in the interim. Council opted to go with a rate of .80% and utilize the surplus created by cancelling old bond ordinances, miscellaneous revenue not anticipated in the budget, and deferred taxes.

Mayor Parisi noted that this would be a one-time fix and cautioned Council to be prudent and look for tomorrow as he was concerned that come November or December, when the Borough would get hit with extraordinary expenses (i.e. storms, negotiations, budgetary cuts, etc.), that there won't be enough in the budget to cover them. He was most concerned that the Governor would impose a hard cap of 2.5% for next year despite the very real possibility that insurance rates and pension rates would go up.

Motion to Set the Estimated Tax Rate for 2010

Council President Agresta moved to set the estimated tax rate for 2010 at .80%. Upon second by Councilwoman McMorrow, motion carried.

ROLL CALL:

AYES: Agresta, Petrone, McMorrow, Asatrian

NAYS:

ABSTAIN: Plawker, Manolio

Open to Public Comment

Councilman Petrone moved to open the meeting to public comment on Resolutions 10-90, 10-91, 10-95, 10-97, 10-98, 10-102, 10-103, 10-104, 10-105, and 10-107. Upon second by Councilman Plawker, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**Steve Rubinsky** – 654 Summit Street – noted that Resolution 10-93 was never opened to the public for comment.

Mayor Parisi apologized for the oversight.

Mr. Semrau advised Mr. Rubinsky that this Borough opens the meeting to the public for every resolution even though the law only requires that the meeting be opened one time per meeting. He noted that he works in many towns and Englewood Cliffs goes above and beyond the law to make meetings more responsive to their residents.

Open to Public Comment on Resolution 10-93

Councilman Petrone opened the meeting to public comment on Resolution 10-93. Upon second by Councilman Plawker, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

Mr. Rubinsky asked for clarification on the estimated tax rate chosen. He further asked about the MRNA (miscellaneous revenue not anticipated) – if it is not received what would happen.

The Mayor advised that that is a possibility but it is only an estimate, that is why a surplus is necessary for towns to operate.

The Council President pointed out that this estimated tax rate is for the third quarter tax bills, but that another tax bill would go out for the November payment which would be based on the actual tax rate. If the estimated rate was too low or too high, the taxes due would be adjusted to reflect the balance of what is actually due for this calendar year.

**Mary O'Shea** – 12 Irving Avenue – advised that she had been present at all the budget meetings and felt that the Council should use a lower rate so that the residents are not taxed at a rate higher than necessary.

Closed to Public Comment on Resolution 10-93

Councilman Petrone closed the meeting to public comment on Resolution 10-93. Upon second by Councilman Plawker, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

The Mayor advised everyone that the meeting was still open to public comment on the original 10 resolutions.

Mary O'Shea – noted that the seasonal employee listed in 10-98 was not a relative of hers.

**Barbara Strauss** – 603 Floyd Street - felt that 10-91 should be changed to reflect “an amount of not less than \$1,000,000” as a liability suit would result in a minimum of \$1,000,000.

Mayor Parisi advised that he would not offer an opinion, but asked Mr. Semrau if Council wished to could they negotiate this amount.

Mr. Semrau advised that this resolution was developed by an outside special tax counsel relative to a tax appeal and was geared to the exposure of that specific tax appeal.

The Mayor asked if it can be made conditional on approval of the Risk Manager.

Mr. Semrau advised that it could.

Closed to Public Comment

Councilman Asatrian moved to close the meeting to public comment at this time. Upon second by Councilwoman McMorrow, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

Mr. Semrau advised Council that Resolution 10-104, to appoint an outside elevator sub-code inspector was developed with the input of the code official who determined the fees that would be collected by the Borough and came up with the contract so that there would be no expense to the Borough. He further advised that he felt the resolution should be amended as follows:

- that Mr. Handy shall be paid upon submission of vouchers; and
- that Mr. Handy shall include performing 105 elevator inspections for the Borough per year.

Motion to Amend Resolution 10-104

Councilman Plawker moved to amend Resolution 10-104 as per the advice of the Borough Attorney. Upon second by Council President Agresta, motion carried and Resolution 10-104 was amended accordingly.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**Councilman Petrone moved to approve Resolutions 10-90, 10-91, 10-95, 10-97, 10-98, 10-102, 10-103, 10-104 as amended, 10-105, and 10-107. Upon second by Councilman Plawker, motion carried and the Resolutions were adopted as noted below.**

**ROLL CALL:**

**AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio**

**NAYS:**

**ABSTAIN: Manolio (10-102, 10-103)**

**RECUSED: McMorrow (10-102)**

## **BOROUGH OF ENGLEWOOD CLIFFS**

### **BERGEN COUNTY, NEW JERSEY**

#### **RESOLUTION 10-90**

**WHEREAS**, the Borough is desirous of obtaining the services of a cost estimator in defending a tax appeal matter entitled “Unilever Best Foods vs. Englewood Cliffs”; and

**WHEREAS**, Joseph P. Novelli, ASA, has submitted a proposal in the amount of \$15,000 excluding expenses; and

**WHEREAS**, the Committee has deemed that Joseph P. Novelli, ASA, is qualified to provide cost estimation services for the Borough in defense of this matter; and

**WHEREAS**, the retention of Joseph P. Novelli, ASA, 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 Joseph P. Novelli, ASA, is hereby retained as cost estimator, in order to provide cost estimation services in connection with pending real property Tax Court appeal entitled “Unilever Best Foods vs. Englewood Cliffs”; and

**BE IT FURTHER RESOLVED** that the retention of Mr. Novelli is one for professional services, for which no public bidding or solicitation is required; and

**BE IT FURTHER RESOLVED** that the Borough Attorney shall prepare an appropriate contract and the Mayor is hereby authorized to execute such contract; and

**BE IT FURTHER RESOLVED** that Joseph P. Novelli, ASA shall be compensated for its cost estimation services, in accordance with his proposal, attached hereto and made a part hereof; 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 the cost estimator for the services to be rendered; and

**BE IT FURTHER RESOLVED** that the Borough Clerk is hereby directed to maintain a copy of this Resolution and a copy of the contract with Joseph P. Novelli, ASA, in her offices, for public inspection.

ATTEST:

\_\_\_\_\_  
Joseph C. Parisi, Jr., Mayor

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

**RESOLUTION 10-91  
PROFESSIONAL SERVICES AGREEMENT**

**THIS AGREEMENT**, made this 9<sup>th</sup> day of June, 2010, by and between:

***BOROUGH OF ENGLEWOOD CLIFFS,***  
A municipal corporation of the State of New  
Jersey with offices at the Borough Municipal Building,  
482 Hudson Terrace, Englewood Cliffs, NJ 07632,

(Hereinafter, "Borough")

and:

***JOSEPH P. NOVELLI, ASA,***  
with offices located at 589 Eighth Avenue  
17<sup>th</sup> Floor, New York, NY 10018,

(Hereinafter "Consultant")

**WITNESSETH:**

**WHEREAS**, the Mayor and Borough Council of the Borough of Englewood Cliffs wishes to retain Joseph P. Novelli, ASA, to assist the Borough by providing professional cost reproduction services associated with the tax appeal entitled Unilever Best Foods v. Borough of Englewood Cliffs; and

**WHEREAS**, N.J.S.A. 40A:11-1 et seq. requires that all contacts be in writing; and

**WHEREAS**, the Mayor and Borough Council of the Borough of Englewood Cliffs desires to enter into a written contract with Joseph P. Novelli, ASA, to provide the above-referenced services.

**NOW, THEREFORE, IN CONSIDERATION OF** the mutual covenants and agreements herein contained, the parties agree as follows:

1. Consultant hereby agrees to provide the professional services to the Borough of Englewood Cliffs.

The services provided should include, but not be limited to, the following:

“Services” shall include the professional services to which Joseph P. Novelli, ASA has been retained for, specifically, to provide the professional cost reproduction associated with the tax appeal entitled Unilever Best Foods v. Borough of Englewood Cliffs and for such services as further detailed in Consultant’s proposal dated May 6, 2010 which is attached hereto as “Exhibit A” and made a part hereof.

2. Consultant shall be compensated in accordance with the fees established in the attached proposal, which fees shall control during the term of this agreement. Consultant shall furnish the Borough with a separate itemized voucher on a monthly basis for the services rendered.

3. Consultant shall be entitled to reimbursement for all disbursements made on behalf of the Borough of Englewood Cliffs.

4. Although Joseph P. Novelli, ASA has been retained to provide professional services to the Borough of Englewood Cliffs, it is understood and agreed that the individual executing this Agreement may be assisted in his responsibilities to the Borough of Englewood Cliffs by other professionals within his/her firm. Under no circumstances does the appointed individual have the authority or ability to name any other professionals outside of his firm to perform services in connection with this agreement for the Borough of Englewood Cliffs.

5. It is recognized and understood that in accordance with the Borough accepted practice and budget process of the municipality, that the professional services for this agreement shall not exceed the amount of

\$15,000.00 without a Resolution authorizing an amendment to this contract to increase the compensation limitations with respect to this contract. In the event any services are provided which exceed this amount, the Borough is not under any obligation to provide consideration for such services.

6. During the term of this Agreement, the parties hereto agree to comply with the Affirmative Action requirements set forth in N.J.A.C. 17:27, and hereby incorporate by reference the mandatory Affirmative Action language set forth in "Exhibit B" which is attached hereto and made a part hereof.

7. Consultant is advised of the responsibility to file an annual statement on political contributions with the New Jersey Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-20.13 (P.L. 2005, c.271 §3) if Joseph P. Novelli, ASA received contracts in excess of \$50,000 from public entities in a calendar year. It is Consultant's responsibility to determine if filing is necessary.

8. Consultant shall furnish the Borough of Englewood Cliffs with a Certificate of Insurance naming the Borough as an additional insured, showing coverage for errors and omissions in amounts of at least \$200,000.

9. In order to receive payments from the escrow or deposit account from the chief financial officer of the Borough, Consultant agrees to submit vouchers on a monthly basis in accordance with the schedules and procedures established by such officer. These vouchers will identify, with specificity, the personnel performing the service, the date of service performance, the hours spent, the hourly rate, and the expenses incurred.

10. Prior to any payment from the Borough pursuant to Section 9 above, the Borough shall require the Borough Administrator to review and certify the voucher for accuracy. Thereafter, the voucher must ultimately be authorized by the Mayor and Borough Council.

11. The term of this Agreement shall be until the professional services to which the Consultant has been retained for are concluded, or until further modified by the parties by agreement, in writing.

12. This Agreement is not assignable by either party.

**ATTEST:**

**BOROUGH OF ENGLEWOOD CLIFFS**

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

\_\_\_\_\_  
Joseph Parisi, Jr., Mayor

EXHIBIT "B"

P.L. 1975, C. 127 (N.J.A.C. 17:27)  
MANDATORY AFFIRMATIVE ACTION LANGUAGE

PROCUREMENT, PROFESSIONAL AND SERVICE CONTRACTS

During the performance of this contract, Consultant agrees as follows:

Consultant will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

Consultant, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

Consultant, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

Consultant, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

Consultant agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

Consultant agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.



Consultant agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, Consultant agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

Consultant shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302

Consultant shall furnish such reports or other documents to the Div. of Contract Compliance & EEO as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Div. of Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

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

**RESOLUTION 10-95**

**TITLE: AUTHORIZE MAYOR TO SIGN 2010 – 2012 Snow Plowing Program**

**BE IT RESOLVED**, that the Borough Council of the Borough of Englewood Cliffs does hereby authorize the Mayor to sign the 2010- 2012 Snow Plowing Agreement with the Bergen County Department of Public Works for two consecutive snow plowing seasons at an increased rate of \$90.00 per hour to be paid to the Borough by the County of Bergen.

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

\_\_\_\_\_  
Joseph C. Parisi Jr., Mayor

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

**RESOLUTION 10-97**

**RE: APPOINT JUNIOR VOLUNTEER FIREMAN**

**WHEREAS**, the Englewood Cliffs Volunteer Fire Department has recommended the appointment of Charles M. Jacobson as a junior 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 Charles M. Jacobson as a junior member of the Englewood Cliffs Volunteer Fire Department.

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

\_\_\_\_\_  
Joseph C. Parisi Jr., Mayor

Borough of Englewood Cliffs  
County of Bergen

Resolution 2010-98

BE IT RESOLVED, that the Mayor and Council of the Borough of Englewood Cliffs does hereby approve the following seasonal employees and salaries for the 2010 summer season help in the Department of Public Works

Paul Gomez	\$ 8.00 per hour
Danny O'Shea	\$10.00 per hour

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

\_\_\_\_\_  
Joseph C. Parisi Jr., Mayor

Borough of Englewood Cliffs  
County of Bergen

Resolution 2010-102

BE IT RESOLVED, that the Mayor and Council of the Borough of Englewood Cliffs does hereby approve the following seasonal employees and salaries for the 2010 Neil Vill Summer Recreation Program:

Joan Capasso	\$5,100.00
Beth Montemurro	\$4,000.00
David Wunsch	\$3,000.00
Patricia Saltzberg	\$2,500.00
John Avallone	\$6,000.00

Counselors to be hired by the Administrator after all requirements of the Recreation Director and Camp Director have been met.

Employees receiving 7.25 (min. wage) per hour (14-15 years old)

Employees receiving 8.25 per hour (16-17 years old)

Employees receiving 9.25 per hour (18+)

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

\_\_\_\_\_  
Joseph C. Parisi Jr., Mayor

**BOROUGH OF ENGLEWOOD CLIFFS  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION 10-103  
A RESOLUTION APPOINTING KATHRYN HARRIS  
AS SECRETARY TO THE BOARD OF HEALTH**

**WHEREAS**, the Board of Health has a vacancy for the position of Secretary to the Englewood Cliffs Board of Health; and

**WHEREAS**, Kathryn Harris is qualified to serve in such capacity.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Englewood Cliffs, County of Bergen, State of New Jersey that Kathryn Harris shall be hired to serve as Secretary to the Englewood Cliffs Board of Health for an annual salary of \$10,000 which shall be prorated from the commencement of her position as of July 1, 2010.

**BE IT FURTHER RESOLVED** that this Resolution is subject to the consent of Englewood Cliffs Board of Health.

Adopted this 9th day of June, 2010  
and certified as a true copy of an original.

\_\_\_\_\_  
Ilene Cohen, Borough Administrator

**BOROUGH OF ENGLEWOOD CLIFFS  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION 10-104  
A RESOLUTION TO APPOINT AN ELEVATOR SUB-CODE  
OFFICIAL ON A PER INSPECTION BASIS**

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Englewood Cliffs, County of Bergen, State of New Jersey that the Borough seeks to appoint Rich Handy who is qualified to serve as Elevator Sub-Code Official to conduct 105 elevator inspections in the Borough.

**BE IT FURTHER RESOLVED**, that Mr. Handy shall be paid in accordance with and subject to a Professional Services Contract at a yearly rate of \$28,383, to be paid biweekly, upon the submission of a voucher for such services.

**BE IT FURTHER RESOLVED**, that such payments are subject to a Certification of Funds from the Chief Financial Officer.

Adopted this 9<sup>th</sup> day of June, 2010  
and certified as a true copy of an original.

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

\_\_\_\_\_  
Joseph C. Parisi Jr., Mayor

**BOROUGH OF ENGLEWOOD CLIFFS  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION 10-105  
A RESOLUTION TO APPOINT A SEWER COLLECTIONS OFFICER**

**WHEREAS**, the Borough of Englewood Cliffs has a vacancy in the capacity of Sewer Collections Officer; and

**WHEREAS**, Alan Schrader has qualified to serve in such capacity.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Englewood Cliffs, County of Bergen, State of New Jersey that Alan Schrader is hereby appointed as Sewer Collections Officer effective July 1, 2010 and he shall receive the salary of \$1500 per quarter for said services.

Adopted this 9th day of June, 2010  
and certified as a true copy of an original.

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Ilene Cohen, Acting Municipal Clerk

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Joseph C. Parisi, Jr., Mayor

**RESOLUTION 2010-107**

**A RESOLUTION OF THE BOROUGH OF ENGLEWOOD CLIFFS,  
COUNTY OF BERGEN AND STATE OF NEW JERSEY AUTHORIZING  
THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT  
COMPETITIVE BIDDING TO BROWN AND BROWN METRO, INC. AND MK INSURANCE BROKERS  
LLC AS BOROUGH MUNICIPAL INSURANCE RISK MANAGER**

**WHEREAS**, the Borough of Englewood Cliffs has a need to retain a municipal insurance risk manager; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et. seq.) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

**WHEREAS**, the term of a contract for this service is for the remainder of the calendar year through December 31, 2010; and

**WHEREAS**, Brown and Brown Metro, Inc. and MK Insurance Brokers LLC has submitted a proposal, attached hereto, indicating the firm will provide the aforementioned risk management services as sought by the Borough of Englewood Cliffs; and

**WHEREAS**, Brown and Brown Metro, Inc. and MK Insurance Brokers LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Borough of Englewood Cliffs with the elected officials in the previous one year, and that the contract will prohibit Brown and Brown Metro, Inc. and MK Insurance Brokers LLC from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds pursuant to *N.J.A.C. 5:30-5.4*.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Englewood Cliffs, in the County of Bergen and State of New Jersey authorizes the Mayor and the Municipal Clerk to enter into a contract with Brown and Brown Metro, Inc. and MK Insurance Brokers LLC as described herein and attached hereto; and

**BE IT FURTHER RESOLVED** that the contract, resolution and all other pertinent documents shall remain on file in the office of the Municipal Clerk; and

**BE IT FURTHER RESOLVED** that a notice of this action shall be printed once in the Borough's legal newspaper.

Adopted: June 9, 2010

Adopted this 9th day of June, 2010 and certified as a true copy of an original.

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Ilene Cohen, Acting Municipal Clerk

Mayor Parisi advised that he would be recusing himself from discussions and actions on Resolution 10-96. He left the dais.

Open to Public Comment

Councilwoman McMorrow moved to open the meeting to public discussion on Resolution 10-96. Upon second by Councilman Asatrian, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

No one wished to be heard at this time.

Closed to Public Comment

Councilman Plawker moved to close the meeting to public discussion on Resolution 10-96. Upon second by Councilwoman McMorrow, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**Council President Agresta moved to approve Resolution 10-96. Upon second by Councilwoman McMorrow, motion carried and the Resolution was adopted.**

**ROLL CALL:**

**AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio**

**NAYS:**

**ABSTAIN:**

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

**RESOLUTION 10-96**

**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 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	Name and Address
#0216-33-004-009	Inkad LLC 14 Sylvan Avenue T/A Café Italiano
#0216-33-005-003	484 Sylvan Avenue Corp 484 Sylvan Avenue T/A Grissini

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

\_\_\_\_\_  
Joseph C. Parisi Jr., Mayor

Mayor Parisi returned to the dais at this time.

Council President Agresta advised the Mayor that he wished to remove Resolution 10-106 from the agenda until he had time to get more information. Mr. Semrau gave a brief overview of the history of this Resolution which was relative to departing Police Chief Bauernschmidt. The Council President noted that he would still like to hold off on this resolution.

Motion to hold Resolution 10-106

Councilman Plawker moved to hold the discussion and action on Resolution 10-106 at this time. Upon second by Councilman Petrone, motion carried and 10-106 was held at this time.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

Open to Public Comment

Councilman Petrone moved to open the meeting to public discussion on Resolutions 10-99, 10-100, and 10-101. Upon second by Councilman Asatrian, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**Steve Rubinsky** – asked if Resolution 10-106 would come back for discussion.

The Mayor advised that, hopefully, it would.

Closed to Public Comment

Council President Agresta moved to close the meeting to public discussion on Resolutions 10-99, 10-100, and 10-101. Upon second by Councilman Asatrian, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**Council President Agresta moved to approve Resolutions 10-99, 10-100, and 10-101. Upon second by Councilman Petrone, motion carried and the Resolutions were adopted.**

**ROLL CALL:**

**AYES: Agresta, Petrone, Plawker, Asatrian, Manolio**

**NAYS:**

**ABSTAIN:**

**RECUSED: McMorrow**

Mayor Parisi advised that Council would now be considering Resolution 10-108 to authorize a grant for an electronic signboard.

Councilman Plawker asked to comment on this resolution at this time. He advised the audience that Council had received a resolution for consideration this evening to authorize acceptance of grants that he felt had not yet been granted in the amount of \$14,000 to the Borough. He further advised that this was based on the assumption that these grants would be awarded and that additional funds would be obtained through donations (a maybe). He noted that the location of the signboard on Hudson Terrace was without any discussion by Council, and that the purpose of the signboard was to further the communication between the Borough and the residents. He pointed out that this location is on a county road and would violate town ordinances. He felt that updating and maintaining the Borough's website might be a better way to keep the residents informed, noting that most residents have computers. He was concerned about the volume (or lack thereof) of people who would see the signboard in that location by the Ambulance Corps building.

Mayor Parisi interrupted the Councilman to point out that there was someone in the audience who could give the Council information on the signboard.

**Dave Goldberg – Millennium Visual Systems** – advised that his firm had been working with Mid-Bergen Health Dept. to help them obtain a grant from the state to enhance their ability to communicate



emergency pandemic information and other information to the communities. Mid-Bergen had determined that while electronic signboards, websites, and reverse 9-1-1 systems are great tools to get out information, they feel that the electronic signboards are the fastest way to do so. He advised that there were 5 communities involved in this grant (Palisades Park, River Edge, and Hackensack among them). He noted that he had been working with Councilwoman McMorrow at great length, and offered a display that the Borough could borrow to try out which would be a 9 foot display. The sign being proposed for Englewood Cliffs would be 3ft 10in high x 7ft 10in wide. The discussions have suggested that eventually the sign would be a double-sided one. He had been advised by the Councilwoman that in seeking donations, she was promised funding by businesses for a sponsorship of the signboard that would take up the balance of the purchase price after the grant monies. The display offered is in red lights, but the proposed sign would be in amber lights. He showed a picture of the signboard located in Hillsdale which uses amber lights. He read a few letters from Mayors of towns currently utilizing their signboards in Bergen County with positive feedback.

Councilwoman McMorrow gave a brief review of how this grant was awarded and the project developed. She advised that Council could get a second side for the sign at a later date as funds would not be available for that in this budget year. She inquired about a solar-powered signboard as suggested by the Borough Engineer, but was advised that it would not be cost-effective. She reminded Council that this was a non-matching grant and once the deadline passed, the grant money would be lost. She noted that everyone that she spoke with, both businesses as well as residents, thought this would be a great idea for the town.

Mayor Parisi asked Mr. Goldberg if Millennium was a state contract. Mr. Goldberg noted that the purchase price that was over the grant amount was below the bid threshold. The Mayor asked what the daily cost to operate the sign would be. Mr. Goldberg advised that it might be \$1.00/day as LED lights run only about 20 amps.

Councilwoman McMorrow advised that the placement at the Ambulance Corps location would be 15 feet in from the road.

The Mayor pointed out that the placement would violate town ordinances which state that it is a prohibited act to erect an off-site billboard. It would require changing the ordinance, but he would strongly suggest that they not do that in order to prevent other businesses in town from doing the same. He asked who would pay for the costs to go before the Board of Adjustment to request a variance (attorney fees, engineering fees, escrows, etc.).

Councilwoman McMorrow offered that she would be willing to cover all costs of a variance so that there would be no cost to the Borough.

Mr. Goldberg advised that this signboard was not considered a billboard.

The Mayor responded that Englewood Cliffs' sign ordinance is very restrictive and does not even allow any neon or illuminated signs. He also noted that this proposed signboard exceeds the limits of allowable signs. He had been told that the construction official would not grant a permit for the signboard. He felt this would be a waste of Borough resources and was not in favor of it.

Council President Agresta noted that the Borough currently had daily fire siren alerts that go off which would not be allowed for private citizens. He did not see that this signboard would be any different and did not feel that the Fire Department had sought a variance in order to put up their sirens. He asked the Borough Attorney for clarification on this matter.

Mr. Semrau advised that, depending on the location, the construction official had told him that the Borough would have to either go for a variance for public benefit or amend the ordinance with respect to public property.

Councilman Plawker noted that he felt all the work the Councilwoman put in on this signboard should be commended. However, he felt the grant money would be better spent to use on the website. He pointed out that any permits requested would be denied without a variance. He advised that if the sponsors wanted to run messages on the signboard, they could do so on the website. He did not feel that anyone would see the sign where it was planned to be. He felt that if the Council decided to move forward they should do it without sponsors.

Councilman Manolio asked Mr. Goldberg what the cost would be down the road to add the second side. Mr. Goldberg responded that it would be another \$14,000-\$15,000. The Councilman noted his feeling that Council had cut an additional \$3,000 from the Fire Department budget and he would not be in favor of then spending even more than that for another sign.

Councilwoman McMorrow advised that there was a possibility that any additional sign might also be paid for with donations, but that this sign was not costing the Borough a penny.

#### Motion to Open to Public Comment

Council President Agresta moved to open the meeting to public comment. Upon second by Councilman Petrone, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**Eva Buck** - 65 Hickory Street – noted that a physical sign was outdated by about 20 years and the Borough should concentrate on the website.

**Ed Hallas** – 15 Hudson Terrace – believed that both sides of the argument had legitimate concerns. He acknowledged that the Borough was getting \$14,000 which was terrific, but Council should try to come up with \$14,000 for the website. He realized that some might feel that an electronic signboard might detract from this lovely town, and that thought might have some merit. He recommended that the Mayor stop asking the Borough Attorney about the impediments in the way of installing the sign, and instead ask him how it could get done. He advised getting all the information about what might need to be done to accomplish this and then bring it back to Council for a vote.

Mayor Parisi noted that he was allowed to have an opinion of his own, but knew how certain things work and don't work. He knew that the Building Department would not approve it without a variance or

without changing the ordinance. He felt doing so might open a can of worms and that other businesses might feel that if the Borough could do this, why couldn't they - these were just his views on the matter.

**Jack Geyer** – 34 Toni Drive – noted that he liked the idea of a signboard.

**Steve Rubinsky** – 654 Summit Street – advised that he thought the sign was a good idea, but thought that 3 messages flashing (as on the sample displayed) would be too much information for people to read at one time. He noted that it had been said there were no other signs allowed like that in town, but he had seen a sign at the Police station advising people to “Buckle Up” as well as the same message on the sample display. He noted that he didn't care about buckling up but was more interested in the information about the Mayor & Council meeting on June 9 at 8:00. He went on to ask about the website – who would maintain it, who would update it, where would the money come from. He wanted to know when an e-blast system would go out as the message would already be typed up and doesn't require more work – the cost would be minimal compared even to maintaining a website.

**Tony Morfesis** – 26 John Street – asked why Council would put the signboard on Hudson Terrace and not 9W. He suggested placement in front of the Firehouse.

Councilwoman McMorrow advised that Mr. Goldberg had selected that location, but the Fire Department did not want it there. The Councilwoman further advised that they did not want it on 9W.

Mr. Morfesis wondered why 9W was not considered as he noted that he does not travel on Hudson Terrace very often but was up and down 9W. He noted that it made sense to put it where people would see it.

Mr. Goldberg advised that the obvious best location would be where the maximum number of people would see it.

**William Gan** – 10 Loretta Court – asked how much it would cost to repair it if it broke down, and if there was a service contract.

Mr. Goldberg advised that there would be a 5-year parts warranty from the factory. He noted that service contracts are available on time and material, and noted that 65% of the towns he had worked with did not have service contracts. He further noted that many of the towns have gone 3-5 years without a service call.

Mr. Gan noted that Mama Mexico has a neon light of a chili pepper in front of their place. He agreed with the Mayor that it could open a can of worms to encouraging other businesses to put up lights, such as CNBC or LG.

Mr. Goldberg advised that the sample signboard that was out there at that time, was larger and more intrusive than the one being considered. He added that the red lights were geared more toward retail businesses, where amber lights were more subdued and were the choice of many of the neighboring towns. He further advised that at some point, the town would be approached by a business or businesses to put up such signs. In anticipation of such an occurrence, the company had developed a model sign code. He noted that their signs are equipped with automatic dimming which should be a part of the model

code, as well as the frequency of times the messages can be changed. He further noted that there were concepts that the Borough could regulate to protect itself. He advised that he had available a listing of generic information on points the Borough could consider to modify the town sign code. He handed Council copies of that information. He offered to email them additional information with attorney references if they wished.

**Mary O'Shea** – 12 Irving Avenue – advised that she liked the sign, and liked the signs in Englewood, Emerson, and Paramus, as well as others she had seen. She felt that it was a direction the Council should be going to keep the residents informed about any kind of meeting, flu shots, emergency health issues, recreation registrations, etc., and felt it was very informative. She felt the Firehouse was the best location and didn't know how they had the right to refuse the Borough's use of their own property. As a second best choice, she would rather have it on Hudson Terrace than not have it at all. She noted that she checks the website frequently and that meetings are often not listed in a timely fashion. As far as email blasts, she advised that there were a number of people that she personally emails about meeting dates herself. She felt that seeing the information right in front of them was better than having to check the website frequently during the day. She hoped Council would approve the signboard. She applauded getting sponsorships to cover the remaining costs.

**Walter Gundel** – 14 Skyline Drive – was in favor of the sign and thought it would be very informative. He added that since it's not going to cost the town anything, he couldn't see why anyone would be against it.

**Andrew Nikow** – 54 Elm Street – asked about the installation costs and the definite location, noting that several sites had been mentioned.

Councilwoman McMorrow noted that she had deferred to the Police as to the safety issues of the location, and that the Deputy Chief had gone around with Mr. Goldberg and herself.

Deputy Chief Cioffi advised that he was concerned with the safety factor of the sign drawing drivers' attention away from the road if it were to be placed on 9W. He noted that he was not against the sign, but felt the Ambulance Corps location was the best location. He further noted that the Firehouse currently had 2 monuments, including a Veteran's monument in front of their building that is maintained by the Fire Department, and he advised that they pay to do so including having to re-build the bell monument. The Fire Department is frequently asked to allow signs to be placed on that property and they routinely deny those requests, with the exception of the Lions Club and the Department's wet down events. He personally noted that he likes the sample sign and that if it were 2-sided and in amber it would be more appealing to the residents. He felt it have a lot of advantages to inform the public. He addressed Mr. Rubinsky's comment about the traffic sign that the Police place around town – it is allowed and is used only for Police messages (i.e. buckle up, street closings, DWI, bicycle safety, etc.).

**Angelo Mungoli** – 42 Mercer Avenue – advised that he liked the sign and couldn't understand why there was so much bickering about it since it was not costing the Borough anything. He wanted Council to approve it.

Councilman Plawker advised that the sign should be 2-sided to be more visible, so it would not be without cost as the grant is only for \$14,000.

Mr. Goldberg advised that the installed cost of a single-sided sign was \$19,635. He noted that due to budget crunches, he had suggested selling sponsorships for a year or two at a time to different businesses which would generate revenue for the town. All that would be managed with either a placard on the sign or a 2-second message in an hour on the signboard. It's something to consider, and that some towns are looking into that idea.

Mr. Morfesis felt that putting a placard on the sign about "donated by" would be okay, but having a running message would make it look like Rte. 46.

Mr. Hallas noted that in the spirit of creativity, he had a suggestion: approve the donation of \$14,000 with the placement diagonally in front of the Firehouse facing northbound traffic, and utilizing only one sign.

Mrs. O'Shea felt the proposed sign was smaller than a billboard. She noted that the park dedicated to the Mayor's father has 4 signs on it: Chamber of Commerce; Community Chest; the landscaping company; and a listing of the people who donated money for the park. She wondered about the Chamber of Commerce removing those other signs and putting up a community bulletin board welcoming people to the Borough by the Chamber of Commerce with pertinent information. That would be replacing 4 signs with 1.

**Blanche Binder** – 33 Stephen Drive - asked, once the sign goes up, who decides what messages go on it. She felt the content of the messages was very important.

#### Closed to Public Comment

Council President Agresta moved to close the meeting to public comment. Upon second by Councilwoman McMorrow, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

#### **Councilwoman McMorrow read Resolution 10-108, Authorization to Accept Two Grants.**

Council President Agresta asked if Council had to also approve the purchase of the signboard.

Mr. Semrau advised that Council did have to do so.

#### Motion to Amend Resolution 10-108

Council President Agresta moved to amend Resolution 10-108 to include an authorization to purchase the signboard.

Mr. Semrau advised that if Council was going to amend the Resolution, they should refer to the proposal by Millennium for \$19,635 with either certification of funds by the CFO or the donations. Additionally, as the Borough is a public entity, the terms of payment need to be amended to 100% upon installation. He

also noted that there should be an agreement that represents what the warranty would be, and the motion should include a clause subject to that agreement. He asked about engineering costs.

Mr. Goldberg advised that engineering escrow fees would be necessary for any presentations to either Board.

Councilwoman McMorrow noted that the sign would need to be ordered and paid for by the 2<sup>nd</sup> week in July or the grant is lost. She further noted that Mid-Bergen would be paying Millennium directly upon receipt of invoice for same from Millennium.

Mr. Semrau advised that the Borough could not rely on donations without a certification of funds by the CFO in case the funding didn't come in. He further advised that it should be subject to a contract approved by legal counsel and the administrator.

Mr. Semrau asked the Councilwoman to give the Administrator a copy of the 3 quotes received. He noted that Council would take care of any changes to ordinances as necessary, as well as getting Board of Adjustment approval.

Mr. Semrau advised on what should be included in any amendment to this Resolution.

**Motion to Amend Resolution 10-108**

**Council President Agresta moved to amend and adopt Resolution 10-108 to include the following:**

- 1. The contract shall be awarded to Millennium Visual Systems for the sum of \$19,635, and, if the Borough is to pay for this, that the terms of payment shall be 100% upon installation; and**
- 2. Subject to certification of funds to be provided by the CFO; and**
- 3. Subject to a contract that shall comply with all DCA requirements, legal review, and approval by the Borough Administrator.**

**Councilman Petrone seconded the motion for Resolution 10-108 as amended.**

Councilman Plawker noted that cabling was not included in the purchase price, nor were engineering and engineering drawings. He was concerned that these amounts could be in the thousands.

Mr. Goldberg advised that the only electrical necessity would be a dedicated 20-amp line brought out to the sign, which the Borough's electrician would take care of.

The Mayor felt that the amendment and Resolution were only to purchase the sign and not to decide on the placement and location of the sign at this time.

Mr. Semrau supported the Mayor's assessment and noted that Council would have to decide where and how to place the sign at another time.

**ROLL CALL:**

**AYES: Agresta, Petrone, McMorrow, Asatrian**

**NAYS: Plawker, Manolio**

**ABSTAIN:**

**Resolution 10-108 was adopted as amended.**

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

**RESOLUTION 10-108**

**TITLE: AUTHORIZATION TO ACCEPT TWO GRANTS**

**WHEREAS**, Mid-Bergen Regional Health Commission, has approved two grants in the amount of \$14,000 to the Borough of Englewood Cliffs; and

**WHEREAS**, the grant money will be used toward the purchase an electronic sign board and the remaining funds will be acquired through donations;

**NOW, THEREFORE, BE IT RESOLVED** that the Englewood Cliffs Mayor and Council does hereby accept the two grants totaling \$14,000; and

**BE IT FURTHER RESOLVED** as follows:

- 1. The contract shall be awarded to Millennium Visual Systems for the sum of \$19,635, and, if the Borough is to pay for this, that the terms of payment shall be 100% upon installation; and**
- 2. Subject to certification of funds to be provided by the CFO; and**
- 3. Subject to a contract that shall comply with all DCA requirements, legal review, and approval by the Borough Administrator.**

June 9, 2010

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

\_\_\_\_\_  
Joseph C. Parisi Jr., Mayor

Motion to Appoint Acting Chief of Police

Councilman Asatrian moved to appoint Michael Cioffi as the Acting Chief of Police with no pay increase. Upon second by Councilman Manolio, motion carried.

ROLL CALL:

AYES: Petrone, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

RECUSED: Agresta, McMorrow

Motion to Appoint Acting Deputy Chief of Police

Councilman Asatrian moved to appoint Michael McMorrow as Acting Deputy Chief of Police with no pay increase. Upon second by Councilman Petrone, motion carried on advice of Borough Attorney as a Doctrine of Necessity.

**ROLL CALL:**

AYES: Agresta, Petrone, Asatrian

NAYS:

ABSTAIN:

RECUSED: McMorrow, Plawker, Manolio

Mayor Parisi asked the Acting Deputy Chief and the Acting Chief to step forward at this time. He congratulated both officers.

**ORDINANCES:**

**Second Reading: Ordinances #2010-06; 2010-07; 2010-08; and 2010-09**

Open to Public Comment

Councilman Manolio moved to open the meeting to public comment on Ordinances #2010-06, 2010-07, 2010-08, and 2010-09. Upon second by Councilwoman McMorrow, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**Mary O'Shea** – 12 Irving Avenue - relative to Ord. #10-09 – she noted that she sent a letter to Mr. Semrau and Ms. Cohen that she had requested be read at last month's meeting. She read the letter at this time. The letter thanked the Council for their confidence in appointing her as the director of the Local Assistance Board, but that she was refusing the appointment based on information from the County that the Borough had turned over all local welfare duties to the County in 2003, thereby negating the need for such an appointment.

**Ed Hallas** – 15 Hudson Terrace – asked if Council members could explain the reason for their recusing themselves from votes.

The Mayor noted that they were not required to do so.

**Joe Cioffi** – 30 Sylvan Avenue – relative to Ord. #10-08 – he asked what the roofing fees would be as he felt it was an additional burden to the taxpayers if their roofs had been ripped off in a storm – they would have no choice but to replace them.

Councilwoman McMorrow advised that, based on the recommendations of the Building Inspector, it was recommended to update the existing ordinance. The Councilwoman read the new fees which were based on the total value of the roof.

Mr. Cioffi felt that there should be exceptions for emergency situations such as storm damage where the residents have no choice but to fix or replace the roofs.

Mayor Parisi advised that the current fees were too low based on information from the DCA, and that some of those costs could be covered by the resident's homeowner's insurance. He noted that these increases were not meant to be a burden.



**Rolland Park** – 65 Hickory Street – he advised that he would not be doing a new roof based on these new fees but would do a few patches instead, even though it won't look as nice.

Closed to Public Comment

Councilwoman McMorrow moved to close the meeting to public comment on Ordinances #2010-06, 2010-07, 2010-08, and 2010-09. Upon second by Councilwoman McMorrow, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**Council President Agresta moved to adopt Ordinances #2010-06, 2010-07, 2010-08, and 2010-09 on second reading by title only. Upon second by Councilwoman McMorrow, motion carried and Ordinances were adopted.**

**ROLL CALL:**

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian,

NAYS: Plawker (-08), Manolio (-08)

ABSTAIN: Asatrian (-06)

**AN ORDINANCE OF THE BOROUGH OF ENGLEWOOD CLIFFS,  
COUNTY OF BERGEN AND STATE OF NEW JERSEY  
AUTHORIZING THE EXECUTION OF AN EASEMENT AND INDEMNIFICATION AGREEMENT  
BETWEEN THE BOROUGH OF  
ENGLEWOOD CLIFFS AND PARVIZ ROUBENI  
ORDINANCE 2010-06**

**WHEREAS**, Parviz Roubeni (hereinafter "Owner") is in possession of certain property in the Borough of Englewood Cliffs more particularly described as Block 608, Lot 7, and identified as 6 Raymond Street on the Borough Tax Map; and

**WHEREAS**, the Owner has installed a certain driveway and retaining wall which encroaches upon the Borough's right-of-way; and

**WHEREAS**, it has come to the attention of the Borough that the Owner finds it necessary to maintain this encroachment upon said Borough right-of-way and has requested that the Borough permit the Owner to continue to encroach upon its right-of-way; and

**WHEREAS**, the Borough has reviewed this request and has determined that it is in the best interests of the Borough to grant the Owner an easement over the Borough's right-of-way so that the driveway and retaining wall may remain in its present condition, so long as the Owner holds harmless and indemnifies the Borough and subject to the terms and conditions set forth in the easement and indemnification agreement, attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Englewood Cliffs, County of Bergen and State of New Jersey as follows:

1. The attached proposed easement and indemnification agreement and the deed description of said easement, being part of Block 608 Lot 7, is hereby accepted.

2. The Borough Attorney is authorized and directed to accept the Easement and to record same for the benefit of the Borough.
3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
5. This Ordinance shall take effect after publication and passage according to law.

BOROUGH OF ENGLEWOOD CLIFFS  
 COUNTY OF BERGEN  
 STATE OF NEW JERSEY

ATTEST:

\_\_\_\_\_  
 Ilene Cohen, Acting Municipal Clerk

\_\_\_\_\_  
 Joseph C. Parisi, Jr., Mayor

**ORDINANCE 2010-07**

**AN ORDINANCE OF THE BOROUGH OF ENGLEWOOD CLIFFS, COUNTY OF BERGEN, AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 9, BUILDING AND HOUSING CODE, OF THE CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS WITH THE ADDITION OF SECTION 9-24 ENTITLED, BUSINESS ZONING APPLICATION**

**BE IT ORDAINED**, by the Borough Council of the Borough of Englewood Cliffs, in the County of Bergen, and State of New Jersey as follows:

**SECTION 1.** Chapter 9, Building and Housing Code, of the Code of the Borough of Englewood Cliffs, is hereby amended and supplemented with the addition of Section 9-24, Business Zoning Application, to read as follows:

**§ 9-24 BUSINESS ZONING APPLICATION.**

**§ 9-24.1 Business Zoning Application Required.**

Each time there is a new business located within the Borough of Englewood Cliffs, the owner of such property and/or business must fill out and file with the construction official a business zoning application.

**§ 9-24.2 Fees.**

The fee for a business zoning application shall be two-hundred (\$200.00) dollars, payable to the Borough of Englewood Cliffs.

**§ 9-24.3 Investigation of Application.**

Upon receipt of the business zoning application, the construction official shall conduct his or her investigation to determine if such use is acceptable. Each applicant is aware by filing such an application

that they must conform to all building, electric, plumbing, fire and board of health codes. Depending on the circumstances surrounding the application, the construction official may require the applicant to appear before the Borough Planning Board.

**SECTION 2.** All Ordinances of the Borough of Englewood Cliffs, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**SECTION 5.** This Ordinance may be renumbered for codification purposes.

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

**ATTEST:**

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

By: \_\_\_\_\_  
Joseph C. Parisi, Jr., Mayor

**ORDINANCE NO. 2010-08**

**AN ORDINANCE OF THE BOROUGH OF ENGLEWOOD CLIFFS, COUNTY OF BERGEN, AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 9, BUILDING AND HOUSING CODE, SECTION 9-1.3, FEES, SUBSECTION (a)(9) OF THE CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS**

**BE IT ORDAINED**, by the Borough Council of the Borough of Englewood Cliffs, in the County of Bergen, and State of New Jersey as follows:

**SECTION 1.** Chapter 9, Building and Housing Code, Section 9-1.3, Fees, Subsection (a)(9), of the Code of the Borough of Englewood Cliffs, is hereby amended and supplemented to read as follows:

**§ 9-1 STATE UNIFORM CONSTRUCTION CODE**

**§ 9-1.3 Fees.**

(9) The fee for a permit for reroofing of any residential structure or **commercial** building shall **be based upon the estimated cost of the work. The fee shall be in the amount of \$24.00 per \$1000 up to \$50,000. Above \$50,001 the additional fee shall be in the amount of \$18 per**

~~**\$1000 of estimated costs.** one hundred (\$100.00) dollars. The fee for a permit for reroofing of any commercial flat roof shall be a minimum of two hundred (\$200.00) dollars to a maximum of five hundred (\$500.00) dollars, calculated at twenty five (\$0.25) cents per square foot.~~

**SECTION 2.** All Ordinances of the Borough of Englewood Cliffs, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**SECTION 5.** This Ordinance may be renumbered for codification purposes.

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

**ATTEST:**

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

By: \_\_\_\_\_  
Joseph C. Parisi, Jr., Mayor

**ORDINANCE NO. 2010-09**

**AN ORDINANCE OF THE BOROUGH OF ENGLEWOOD CLIFFS, COUNTY OF BERGEN, AND STATE OF NEW JERSEY TO REPEAL CHAPTER 2, ADMINISTRATION, SECTION 2-10.14, LOCAL ASSISTANCE BOARD, OF THE CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS**

**BE IT ORDAINED**, by the Borough Council of the Borough of Englewood Cliffs, in the County of Bergen, and State of New Jersey as follows:

**SECTION 1.** Chapter 2, Administrator, Section 2-10.14, Local Assistance Board, of the Code of the Borough of Englewood Cliffs, is hereby repealed in its entirety.

**SECTION 2.** All Ordinances of the Borough of Englewood Cliffs, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**SECTION 5.** This Ordinance may be renumbered for codification purposes.

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

**ATTEST:**

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

By: \_\_\_\_\_  
Joseph C. Parisi, Jr., Mayor

**REPORTS OF STANDING COMMITTEES**

Council President Agresta congratulated Acting Chief Cioffi and Acting Deputy Chief McMorrow. Additionally, he congratulated Kathryn Harris as the new Deputy Clerk, and the new Junior Fireman - Charles Jacobson.

He also gave the report on the cash in the bank. He had no other reports at this time.

Councilman Petrone congratulated the Acting Chief and Acting Deputy Chief. He noted that the Planning Board meeting was scheduled for June 10 at 7:30pm.

Councilwoman McMorrow reported that the Little League Playoffs were scheduled for Saturday. Additionally, on June 19 at 1:30pm would be a BBQ at the field for the Little League Softball and Senior Baseball.

Senior Baseball was in the second round of their tournament, and Coach Sayrafe wished to express his thanks to his other coaches – Paul Cohen and Tim Regan.

Girls Softball – the 2 senior teams finished #1 and #2, and 3 of the 4 teams won at least their first-round playoff game. Aversa Dental, a senior team, would be playing the following night for their chance to advance to the championship game. The junior teams did well this year, with many younger girls playing for the first time.

Summer Camp was starting on June 28 to August 6.

Fire Department – she thanked Chief Drimones and the Department for their wonderful turnout on Memorial Day as well as the refreshments provided.

Community Events – she asked Council if they wished to go forward with an outdoor movie night. She needed to know now in order to have time to book the sign company and to pick a movie and a date. The consensus was a date in July, midweek. She noted that the Recreation Committee would handle the event.

Councilman Plawker had no report at this time, but did congratulate Acting Chief Cioffi and Acting Deputy Chief McMorrow.

Councilman Asatrian congratulated the Acting Chief and Acting Deputy Chief. He noted that along with their titles came the responsibility to: enhance the morale of the Police Department; protect the health, welfare, and safety of our people; make our Police Department to be what he believes is the best in Bergen County and the envy of the County; and understanding the delicate balance between individual rights vs. community interests and safety. He acknowledged that the last was not easy, which everyone understood.

He trusted that they would lead the Department out of respect for the residents, and be answerable to the Mayor and Council. He knew they would be able to work together. He wished them the greatest luck and greatest safety, and good leadership during their Acting terms.

Councilman Manolio congratulated the Acting Chief and Acting Deputy Chief, noting that he knew they would do an excellent job.

DPW – Mark Neville congratulated “both Mikes.”

Road repairs – he noted they were working on the potholes as fast as possible, and that 17 streets would be worked on.

Recycling – he noted he had been working with the BCUA for a date in July for the paper shredding program that would be open to the town. He advised he was also trying to coordinate a day in September for the school, as well as for businesses.

Storm of 3/13 – the report filed with FEMA for storm damage with costs of \$137,000: we received word that the Borough would received \$95,000 of that amount from FEMA. He noted that it took 4 days to put the report together.

Engineering – Bernie congratulated Mike and Mike. He noted he had met to finalize work on the fire hydrant reflectors, and to complete the striping on the Riverside Cooperative pavement program. He noted that the Borough had received the DOT grant money for the improvements to Kahn Terrace and Clendenon Place in the amount of \$150,000. He advised that he had prepared the listing of road repairs for the 2010 Road Resurfacing Program and he was awaiting direction from Council on how to proceed. He felt it was a good time to go out to bid at this time to get ready for this paving season.

Acting Chief Cioffi thanked Council for their faith and trust in him, and especially Councilman Asatrian. He congratulated Deputy Chief McMorro noting they would work well together as they have in the past. He referred to the letter from Mary O’Shea relative to the Local Assistance Board, noting that he had spoken to the Borough Attorney, Fred Semrau, to advise him that the Borough had a problem. He noted that while the County was handed the task of local assistance, they are not always available. He advised that for the first 24 hours of an emergency situation they simply are not there to help. In the last 4 years he knew of at least 5 cases that required assistance, and of that number one with 2 children that the Borough put up at a hotel. The County does not respond within that 24-hour period as the shelters are full, and they have advised him that they can’t get people in. They further advised him to let the people sit in the Police lobby. The people that the Department have placed at hotels are picked up the next day by the County, but he can’t have them sitting/sleeping in the lobby, especially with children. He felt that this was not an appropriate solution. He asked that Council keep a program to handle some indigent people at the right time.

Mayor Parisi clarified that there were funds in the budget for up to \$300 for such usage which should cover an overnight stay at a hotel.

The Acting Chief noted his many thanks for everyone’s hard work, especially the Acting Deputy Chief, in getting everything working in March.

He advised that many towns did not file a claim with FEMA citing too much paperwork.

He advised of the various road work being done around town.

He noted that 45 kids attended the Witte Clinic and had a great picnic.

He advised that they had received 20 applicants for the Jr. Police Academy that would run from June 28 - July 2.

The Cancer Walk was scheduled for June 13.

They had used the new translator, and the Records Clerk was used for a Spanish translation as well during a 1-week period.

He noted a burglary occurred, despite the increased patrols.

Detectives Morrisey and Regan were called by the federal government to testify in Newark relative to a case of over \$500,000 for fraud. The suspect had been charged previously in Englewood Cliffs for theft.

He noted that 6 officers were honored with the EMS Excellence Award thru Hackensack University Medical Center.

The Community Police Resource Magazine is out, at no cost to the Borough. He recommended that each Council member get a copy.

Acting Deputy Chief McMorrow read a letter of thanks from a resident at 37 Roberts Road commending Officer Hill who helped her son.

Mr. Semrau noted that Councilman Plawker had read a complaint about a possible ethics violation at the last meeting. He explained that the complaint was relative to information from the May 12 executive session that the Councilman felt had been disclosed during the open session that evening. He acknowledged the Councilman's concerns but felt that in his understanding of the matter, that there had not been any violation of the executive session nor any ethics violation. The matters discussed in executive session concerned the school board budget and to determine what the Council's position would be, and in his opinion the discussion had concluded. He further explained that when matters in executive session have concluded, then that discussion would be available to the public. He advised that as he was present during the open session in his capacity as Borough Attorney, it was his responsibility to speak up if there were any ethical violations. He further advised that most executive sessions are conducted to protect the interests of the Borough, such as buying property, discussions of personnel matters, or pending litigation and those discussions are confidential. The executive sessions are to protect the Borough so that the adversary would not know what the position of the Borough would be. However, once those matters are finalized, they are no longer required to be kept confidential. He acknowledged the right of a governing body member or member of the public to file a complaint, and he had no problem with the Councilman doing so.

Mr. Semrau advised the Mayor and Council on the resolution previously discussed this evening in executive session relative to the former Borough Administrator/Clerk. He noted that she had resigned last December and had sought compensation for her separation. He further noted that, at this time, there was a considerable difference of opinion as to what that compensation would be. At this point and time his recommendation would be to compensate Deborah Fehre in an amount not to exceed \$39,000 for her separation pay for unused vacation and sick time. Mr. Semrau read Resolution 2010-110.

#### Open to Public Comment

Council President Agresta moved to open the meeting to public discussion on Resolution 10-110. Upon second by Councilman Asatrian, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**Steve Rubinsky** – 654 Summit Street – asked what the sick and vacation amounts were. He felt it was an exorbitant amount of money for someone who resigned, just because they didn't take their vacation and sick time.

Mr. Semrau noted that there were 75 sick days totaling \$24,634.50, and 34 vacation days totaling \$11,507, and 3½ compensatory days totaling \$1,184 which totals just shy of \$38,000. He noted that the resolution states not to exceed \$39,000, and that the payment amount would be exactly \$37,326.75.

Mr. Rubinsky asked for clarification that the Borough policy was that an employee could take all unused vacation and sick days at the highest pay.

Mr. Semrau advised that there were a number of requirements in the Employee Handbook that limit the amount of vacation and sick time that can actually be carried over, in particular vacation time. He could not comment further at this time.

Mr. Rubinsky thought this was exceeding those limits.

Mr. Semrau said that this amount was what was not in dispute at this time.

Mr. Rubinsky asked if this handbook was available for the public to see, and when Mr. Semrau said that it was, Mr. Rubinsky said he would like a copy.

**Natalie Ashwal** – 5 1<sup>st</sup> Street - asked how long Ms. Fehre had been employed.

Mr. Semrau and the Mayor advised that she had been employed for 10½ years.

**Tony Morfesis** – 26 John Street – asked if she were still entitled even if she quit.

The Mayor advised that there was no distinction made in the handbook between resignation and termination.

Closed to Public Comment

Council President Agresta moved to close the meeting to public comment. Upon second by Councilwoman McMorrow, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**Council President Agresta moved to approve Resolution 10-110. Upon second by Councilwoman McMorrow, motion carried and the resolution was adopted upon advice of legal counsel.**

**ROLL CALL:**

**AYES: Agresta, Petrone, McMorrow**

**NAYS:**

**ABSTAIN: Plawker, Asatrian, Manolio**



Mr. Semrau advised that a lawsuit had been initiated in this matter in Superior Court. However, the lawsuit relates to the amount in dispute between the \$62,000 and the \$38,000. The Resolution is to resolve that portion of the matter.

Councilman Plawker expressed his concern that this matter was being discussed at all as there were other issues in dispute.

Mr. Semrau stated that as far as the compensation was concerned, this was to make it clear.

**BOROUGH OF ENGLEWOOD CLIFFS  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION 10-110  
A RESOLUTION AUTHORIZING SEPARATION PAY  
TO DEBORAH FEHRE**

**WHEREAS**, Deborah Fehre sought payment for vacation and sick time, as well as a ten percent (10%) raise at the time of her separation from the Borough of Englewood Cliffs in the amount of \$62,000; and

**WHEREAS**, the compensation requested included amounts that are in dispute; and

**WHEREAS**, the governing body has computed that Ms. Fehre is entitled to \$39,000 of such requested compensation as the remaining amount is in dispute.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Englewood Cliffs, County of Bergen, State of New Jersey that subject to a certification of funds from the Chief Financial Officer, Ms. Fehre is to be paid \$39,000 for unused sick and vacation time.

Adopted this 9th day of June, 2010  
and certified as a true copy of an original.

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

\_\_\_\_\_  
Joseph C. Parisi, Jr., Mayor

### Open to Public Comment

Council President Agresta moved to open the meeting to public comment. Upon second by Councilwoman McMorrow, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

**Jack Geyer** – 34 Toni Drive – asked the Police Department why the burglar alarm fee was \$25 annually.

Acting Chief Cioffi explained that this covered the work involved with updating telephone numbers, etc.

Mr. Geyer felt that there should be no charge if the information was not changed.

**Gail Ehrenberg** – 51 John Street – addressed an issue with the Recreation Committee. She had called about a camp question for her daughter which took 2 days for a response. She noted that through various calls and messages left with the Recreation Director and then with speaking to Ms. Cohen on the matter, she was disturbed with the responses and the response times from the Recreation Director. She noted that her daughter had worked for the camp for 8 years.

Mayor Parisi apologized to Ms. Ehrenberg for how this matter was handled. He asked Councilwoman McMorrow to look into the matter. He advised that he would also have Ms. Cohen look into it as well.

**Natalie Ashwal** questioned why the police make people leave the park. She was speaking about an incident with her son who was playing basketball with some friends and was approached by a police officer who told the boys that they needed to go home as it was about a ½ hour before sundown.

Mayor Parisi advised that there was a sunset/sunrise law to keep people out of the parks after dark. The law states ½ hour after sunset until ½ hour before sunrise, and was based on the time in Edgewater. He noted that the actual time would vary depending on the time of year due to daylight savings, etc.

Acting Chief Cioffi advised that a resident had called a few times before it got dark and complained about the noise and that she did not want them there after dark. He asked the DPW to install the signs, and that there were now 3 signs at each park about this. He noted that the log reflected that his officer was there about 9:00/9:15pm and it was dark. In the past they had found people at the parks who were not residents. He further noted that there were lights there that stay on all night long for protection only not to provide light for basketball games.

Mayor Parisi explained that the purpose of the ordinance was safety.

The Borough Engineer noted that the time frame in the ordinance was consistent with the County park standards.

**Steve Rubinsky** – thanked the Borough for the shredder program. He asked about collecting old paint.

The Mayor noted that the paint would need to be dried out and then it could be disposed of in the trash.

Mr. Rubinsky noted a safety issue with bicyclists not riding in single file and in a reckless manner.

The Mayor acknowledged the problem, but that there was no violation unless they were obstructing traffic.

Mr. Rubinsky addressed Mr. Semrau about the issue of the disclosed information from executive session, which he felt should always be kept confidential.

Mr. Semrau advised that executive sessions were not privileged forever, but that sooner or later the information gets released. He was very clear that he did not feel that there were any violations that took place, and that once executive session discussions were resolved they were available to the public.

Mr. Rubinsky asked when he could get a copy of the closed session minutes. Mr. Semrau advised that once the minutes were typed up, the Council would need to approve them, and then they could be released to the public provided that those executive session discussions were complete and over and not prejudicial to the public.

Mayor Parisi advised that Mr. Rubinsky would need to submit an OPRA request with the Clerk stating what was being requested with a date of the event. Ms. Cohen would then review the request to determine if the material was appropriate for release, how long it would take to get the document, and how much it would cost.

Mr. Rubinsky asked how many microphones would be purchased in this year's budget so he could hear the Council discussions. He suggested having 6 microphones for meetings.

Councilman Plawker noted that the discussions that he felt were in violation occurred after Mr. Semrau had left the meeting and his associate was sitting in. In addition, he noted that he had received a letter from the School Superintendent who was very disturbed that it was discussed what the teachers' raises were to be across the board. He felt that this compromised the position of the Board of Education, the Council, and the taxpayers. He stated that he felt there had been a violation and was waiting for an opinion from the Attorney General's office on the matter.

Mr. Semrau took great exception to the letter from the Board Superintendent, which stated that the Superintendent gave confidential information to a member or members of the governing body that related to budgetary information on potential salary increases based on labor negotiations. In that letter the Superintendent stated that he asked for that information to be kept confidential and that the disclosure of that information to the public was inappropriate. Mr. Semrau disagreed with this position as the budget itself is a public document that anyone can look at and from there can calculate what had been budgeted for salary increases. He was also concerned with the fact that the Superintendent would have spoken about personnel matters to anyone not employed by that Board. The Superintendent noted in the letter that he had received a copy of the tape of the meeting as he was not there. Mr. Semrau did not know how he could have gotten such a tape.

Councilwoman McMorrow thanked Mr. Semrau for his detailed explanation of this matter. She felt that the Superintendent's letter was inappropriate, unprofessional, and un-called for. She also felt that the

letter took the meeting discussions out of context. The letter had upset the Councilwoman that she would be attacked in this manner and she demanded an apology.

Mr. Semrau noted that he and the Councilwoman went over the budget and calculated what was budgeted for salary increases just by the line items listed. He advised that no one from a Board of Education can delegate that a governing body keep a confidence when discussing a failed school board budget.

Councilman Asatryan noted that he had also been named in the letter from the Superintendent, and he wondered how a tape of the meeting got in the hands of the Superintendent. He asked Mr. Semrau to obtain a copy of that tape by the next meeting. He questioned if it was a copy of the videotape that was being made by the Bergen Community College student and if the tape had been doctored in any way.

Mr. Semrau advised that he could ask the Superintendent for a copy of that tape.

Councilman Plawker advised that everyone should take these matters very seriously as things were being said that are hurtful to people and articles being written with incorrect information.

Mayor Parisi noted the late time and that there was still business to attend to. He invoked a 3-minute rule on comments, and noted that it especially applied to people who had already spoken during the meeting.

**Pat Drimones** – 71 John Street – asked how the Council could suggest that the Board of Education budget issue had been closed when the Board still had the right of appeal to the State. She felt that the matter would not be closed until the Board had made their decision on an appeal or not. She further explained that if they appeal, the matter would not be closed until the State makes their decision.

Mr. Semrau explained that the executive session discussion was to see if there was a consensus on the strategy Council would take with the budget. Once Council re-convened in open session they then had already decided that they were going to act on the budget. When Council discussions began in the open session it was evident that they were not in agreement, but the purpose for the closed session had concluded.

The Mayor noted that the By-Laws Committee reviews any ethics charges that are raised, and they concluded that no violations had occurred. However, that did not preclude anyone from using other means to review what they believe are violations, whether it be of the Sunshine Law or other matters, which are determined by the Attorney General. He had no problem with Councilman Plawker doing so.

**Mo Aboushaca** – Irving Avenue - advised that Irving Avenue and Hammett Ave is a dangerous intersection. He noted that you can't see around the corner and felt a mirror was needed there as well as a line in the ground to go in the right lane. He also felt that Hammett Ave should only be one side and with no stopping or standing as it is a very narrow road.

The Mayor asked the Acting Chief if the department could look into this matter and coordinate, if necessary, with the Engineer or the DPW.

Mayor Parisi advised that each speaker would now have 1 minute each.

**Natalie Ashwal** – 5 1<sup>st</sup> Street – asked how Council could make a money decision about the school board budget in a closed session without the public’s input. She understood that the public had defeated the budget, but felt they should have heard from them before making any decisions.

The Mayor explained the process of a defeated school board budget and that the purpose of the closed session was to discuss the available options for possible action and to get a consensus on the matter. He advised that prior to any definite decision, Council returned to open session and then discussed those options and listened to the public’s opinions before voting on the matter.

Ms. Ashwal advised that the public perception has been that the Council spends more time fighting amongst themselves instead of listening to the public.

Closed to Public Discussion

Council President Agresta moved to close the meeting to public discussion. Upon second by Councilman Manolio, motion carried.

AYES: Agresta, Petrone, McMorrow, Plawker, Asatrian, Manolio

NAYS:

ABSTAIN:

Council President asked the Mayor if he could respond to the Superintendent of Schools on behalf of Council.

Motion to Have Attorney Respond

Council President Agresta moved to have the Borough Attorney respond as he sees proportionate, fit, and legal to the letter sent to Council by the Superintendent of Schools. Upon second by Councilwoman McMorrow, motion carried.

ROLL CALL:

AYES: Agresta, Petrone, McMorrow, Asatrian

NAYS: Plawker, Manolio

ABSTAIN:

Mr. Semrau advised that based on Councilwoman McMorrow’s suggestion, he would incorporate into that letter a request for a copy of the tape that the Superintendent had received.

**Councilman Manolio moved to approve Resolution 2010-106. Upon second by Councilman Asatrian, and recusal by Councilwoman McMorrow, motion carried. Upon advice of Counsel, Resolution adopted on Doctrine of Necessity.**

**ROLL CALL:**

**AYES: Plawker, Manolio**

**NAYS:**

**ABSTAIN: Agresta, Petrone, Asatrian**

**RECUSED: McMorrow**

**BOROUGH OF ENGLEWOOD CLIFFS  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION 10-106  
A RESOLUTION TO AUTHORIZE A RETROACTIVE SALARY  
PAY INCREASE FOR CHIEF THOMAS BAUERNSCHMIDT**

**WHEREAS**, Chief Thomas Bauernschmidt has served the Borough of Englewood Cliffs and in said capacity did not receive a salary increase for the years 2008 and 2009; and

**WHEREAS**, the Mayor, after reviewing this agreement and other contracts for labor within the municipality, has recommended a two percent (2%) salary increase for 2008 and 2009 years retroactive for Chief Bauernschmidt.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Englewood Cliffs, County of Bergen, State of New Jersey that Chief Bauernschmidt shall be entitled to a retroactive salary adjustment for 2008 and 2009 in the amount of two percent (2%) each year.

Adopted this 9th day of June, 2010  
and certified as a true copy of an original.

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

There was a brief discussion about why the Council President had abstained and why there was an issue with a matter that Councilman Manolio felt had already been agreed to when Chief Bauernschmidt's retirement agreement had been adopted.

ADJOURN:

Mayor Parisi asked if there was any further old or new business. Hearing none the Mayor adjourned the meeting at 12:36am.

Respectfully submitted by Ilene Cohen- Acting Clerk, Administrator

ATTEST:

APPROVED:

\_\_\_\_\_  
Ilene Cohen, Acting Municipal Clerk

\_\_\_\_\_  
JOSEPH C. PARISI JR., MAYOR