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Englewood Cliffs brings mystery over missing minutes to an end

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ENGLEWOOD CLIFFS — After an extensive search, the borough clerk has concluded that Borough Council meeting minutes from 2011 that were reported missing last month never existed.

"There are no minutes," Borough Clerk/Administrator Lisette Duffy said. "They're not missing, because they never existed."

Duffy first advised the council last month that the minutes were missing, after she was directed to send the closed session minutes from that year to the borough attorney for review. Duffy responded that she did not have minutes for any of the council's meetings — both the public and closed portions — from 2011, aside from a few that had been typed up by a stenographer. She later said that she had minutes for the public portions of the meetings in June, August and September.

After last month's meeting, Duffy said, she searched the paper and electronic files of the former clerk, Susan McGinley Spohn, as well as Spohn's emails. Spohn was appointed the borough's clerk and administrator in February 2011 and served until March 2012, when she died suddenly while out on medical leave.

Spohn had also assumed the responsibilities of the deputy clerk, whose position was abolished. An assistant was eventually hired to help her.

Storage boxes at Borough Hall and the Public Works building were also checked, Duffy said.

Duffy said she also contacted Douglas Doyle, the borough's attorney in 2011, who told her he could not find any minutes in his own files.

In addition, Duffy said, she reached out to several of the people who served on the council at the time and none recalled receiving minutes for the 2011 meetings.

Reached by phone, former Councilman Robert Agresta said: "It was a long time ago. I have no recollection one way or another as to whether minutes were prepared for all of the meetings."

While Spohn may have taken notes during council meetings with the intent of creating minutes, Duffy said, she has concluded that the minutes were never typed up or presented to the borough attorney or council for approval.

Mayor Joseph Parisi Jr. said the next course of action will be to check if the borough has audio recordings of those meetings. If recordings exist, they will be used to create written minutes, which will then be submitted to the council for review and adoption, said Parisi.

If there is no audio, Parisi said, officials might use recordings done by GOP Chairwoman Carrol McMorrow, who served on the council in 2011.

When the issue first came to light, borough officials expressed concern that, without the minutes, any action taken during the meetings might be invalid.

Under the state Open Public Meetings Act, if a public body fails to keep "reasonably comprehensible" minutes of its meetings, then any actions taken during those meetings can be challenged in court and declared void.

Open-government activist John Paff said a wave of legal challenges seems unlikely. However, he expressed surprise that no one had previously questioned the whereabouts of the minutes.

"It should have come to somebody's attention at the time," said Paff. "It's an embarrassment. A lot of people were asleep at the switch."

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