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

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL

DATE: July 9, 2014

CALL TO ORDER: 8:00 P.M.

PRESENT AT ROLL CALL:

Mayor	Joseph C. Parisi, Jr.
Council President	Joe Favaro
Councilman	Ramon Ferro
Councilman	Zhi Liang
Councilwoman	Gloria Oh
Councilman	Nunzio Consalvo
Councilman	Ed Aversa

ALSO PRESENT:

Borough Attorney	E. Carter Corrison
Borough Engineer	Bernie Mirandi
DPW Superintendent	Mark Neville
Chief of Police	Michael Cioffi
Municipal Clerk	Lisette M. Duffy

FLAG SALUTE LEAD BY: Council President Favaro

BOROUGH CLERK STATED:

Adequate notice of this meeting was given to the press and posted as required. Date and time of these meetings was legally given as required by the "Open Public Meetings Act." This notice is on file with the Municipal Clerk and posted on the bulletin board. Minutes of this meeting will be made available to the public upon the completion of typing and proofreading by the Municipal Clerk.

MINUTES: Caucus & Regular Minutes June 18, 2014

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On a motion by Council President Favaro, seconded by Councilwoman Oh, Caucus & Regular Minutes of June 18, 2014, were unanimously approved.

ALL IN FAVOR:

AYES: Liang, Ferro, Favaro, Oh, Consalvo, Aversa

DEPARTMENT HEAD REPORTS for June 2014

Finance Department
Municipal Court
Building Department
Fire Department
Police Department
Borough Engineer

On a motion by Council President Favaro, seconded by Councilwoman Oh and carried unanimously, the Department Head Reports for June 2014 were approved.

ALL IN FAVOR:

AYES: Liang, Ferro, Favaro, Oh, Consalvo, Aversa

CORRESPONDENCE: Steven Muhlstock, Esq.

On a motion by Council President Favaro, seconded by Councilwoman Oh and carried unanimously, correspondence ordered filed:

ALL IN FAVOR:

AYES: Liang, Ferro, Favaro, Oh, Consalvo, Aversa

CLAIMS FOR THE PERIOD: June 19, 2014 through July 9, 2014.

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

ROLL CALL:

AYES: Liang, Ferro, Favaro, Oh, Consalvo, Aversa

POINT OF ORDER

Councilman Aversa made a motion to introduce an amendment to Ordinance 12-20. The Councilman to limit the building height for 25 acres or more in the B2 Overlay Zone to 65 feet; less than 25 acres to 35 feet. Residents are concerned about building along the Palisades. This ordinance would make sure this does not happen.

Borough Attorney explained that the Board of Adjustment granted the LG variance and nothing can be done about LG and building height. This ordinance would be for future companies who want to build along the Palisades. The Court affirmed the actions of the Board of Adjustment.

The Mayor clarified the Planning Board process. He would like to have a fair compromise with LG to preserve the Palisades. If the ordinance is introduced, it will go to the Planning Board for their recommendation and then a public hearing.

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Council President Favaro said a committee met to discuss the referendum, Councilman Ferro asked for a breakdown of the acres.

Borough Attorney clarified that if there are more than 25 acres, can build up to 65 feet (4 stories); if less than 25 acres, you can build up to 35 feet (3 stories) along the Palisades. This ordinance will not destroy the tree line.

On a motion by Councilman Aversa, seconded by Councilwoman Oh, an ordinance to amend the zoning ordinance to limit the building height in the B2 Overlay Zone for 25 acres or more to 65 feet; less than 25 acres to 35 feet, was introduced.

ROLL CALL:

AYES: Liang, Ferro, Favaro, Oh, Consalvo, Aversa

Borough Attorney scheduled the public hearing for August 13, 2014.

On a motion by Councilman President Favaro, seconded by Councilman Aversa and carried unanimously, the meeting was open to the public.

ALL IN FAVOR:

AYES: Liang, Ferro, Favaro, Oh, Consalvo, Aversa

PUBLIC SPOKE:

Carin Geiger, 270 Alfred Street, Englewood Cliffs, NJ spoke about LG and building height. She is not in favor of the 65 feet.

Councilman Consalvo asks if the amendment and non-binding referendum could be given to the Planning Board.

Borough Attorney stated that we could not have two ordinances.

Dave DiGrigorio, 165 Charlotte Place, Englewood Cliffs, NJ questioned who was on the Board of Adjustment at the time the LG variance was approved. He said the Board should have reached out to the public prior to granting the variance.

Martin Geiger, 270 Alfred Street, Englewood Cliffs, NJ is concerned about the non-binding referendum. He drafted a referendum and gave to the Council.

Mary O'Shea, 12 Irving Ave, Englewood Cliffs, NJ questioned members of the council regarding a meeting.

Carrol McMorro, 7 Ridge Road, Englewood Cliffs, NJ was concerned as to Council President Favaro's reaction to remarks made at the Caucus meeting. She is in favor of Martin Geiger's referendum.

Manny Wittels, 29 New Street, Englewood Cliffs, NJ is concerned with the overlay zone and how it will affect property values.

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Lynn Norton, 9 Willow Drive, Englewood Cliffs, NJ asked the Council to keep politics out of the meetings. She spoke about the LG and the Board of Adjustment process.

Jack Geyer, 34 Toni Drive, Englewood Cliffs, NJ questioned the ratables and LG.

Lauren Eastwood, 4 Willow Drive, Englewood Cliffs, NJ is concerned with other commercial properties asking for the same height variance as LG.

Maria Villari, 45 Jane Drive, Englewood Cliffs, NJ is opposed to LG building in town.

On a motion by Councilman Consalvo, seconded by Councilman Liang, a referendum drafted by Mr. Geiger handed out during meeting, was introduced.

ROLL CALL:

AYES: Liang, Ferro, Consalvo

NAYS: Favaro, Oh, Aversa

As a result of a tie, Mayor Parisi cast the tie breaking vote resulting in the motion being defeated.

The Mayor recommended coming up with wording that would combine the ordinance and the resolution.

Michael Telzer, 9 Churchill Road, Englewood Cliffs, NJ questioned Councilman Aversa as to why he is not looking into his legal case.

On a motion by Councilman Ferro, seconded by Councilwoman Oh and carried unanimously, the meeting was closed to the public.

ALL IN FAVOR:

AYES: Liang, Ferro, Favaro, Oh, Consalvo, Aversa

A motion was made by Councilman Ferro, seconded by Councilman Consalvo, to place Resolution 14-103 on the consent agenda as recommended by the Committee.

Councilman Aversa is concerned that this resolution is higher than what he proposed. The Mayor suggested combining the ordinance and the resolution.

On a motion by Councilwoman Oh, seconded by Councilman Ferro and carried unanimously, the meeting was open to the public.

ALL IN FAVOR:

AYES: Liang, Ferro, Favaro, Oh, Consalvo, Aversa

PUBLIC SPOKE:

Martin Geiger, 270 Alfred Street, Englewood Cliffs, NJ reworded the resolution to be submitted on the ballot to maintain the 35 feet.

Mary O'Shea, 12 Irving Ave, Englewood Cliffs, NJ is in favor of rewording the referendum.

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Carrol McMorrow 7 Ridge Road, Englewood Cliffs, NJ agrees with the rewording of Mr. Geiger's referendum.

Martha Saraydarian, 276 Alfred Street, Englewood Cliffs, NJ questioned date cutoff to submit ballot.

Carin Geiger, 270 Alfred Street, Englewood Cliffs, NJ is in favor of having residents on the Committee.

On a motion by Councilman Aversa, seconded by Councilman Consalvo and carried unanimously, the meeting was closed to the public.

ALL IN FAVOR:

AYES: Liang, Ferro, Favaro, Oh, Consalvo, Aversa

Council President Favaro recommended rescinding the ordinance.

POINT OF ORDER:

Councilman Aversa to motioned to amend the original ordinance to 35 feet, Councilwoman Oh amends her motion for the original motion.

Councilman Ferro withdraws his original resolution, seconded by Councilman Consalvo.

Councilman Aversa made a motion, seconded by Councilwoman Oh to amend the introduction of Ordinance 14-11 to 35 feet at a Special Meeting on July 22, 2014.

ALL IN FAVOR:

AYES: Liang, Ferro, Favaro, Oh, Consalvo, Aversa

A motion was made by Councilman Ferro, seconded by Councilman Consalvo for a referendum that any commercial property cannot be made more than 35 feet.

On a motion by Councilman Ferro, seconded by Councilman Consalvo and carried unanimously, the meeting was open to the public.

ALL IN FAVOR:

AYES: Liang, Ferro, Favaro, Oh, Consalvo, Aversa

PUBLIC SPOKE:

Steve Tischer, Ash Street, Englewood Cliffs, NJ is not in favor of the 35 feet for commercial property.

Tony Morfesis, John St, Englewood Cliffs, NJ questioned the cost of the referendum to the residents.

Martin Geiger, 270 Alfred Street, Englewood Cliffs, NJ asked when can a referendum be pulled from the County.

Manny Wittels, 29 New Street, Englewood Cliffs, NJ asked where exactly is LG with building on the property.

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Charlie Rousouli, Birch St , Englewood Cliffs, NJ questioned if the Mayor spoke with the residents on Van Nostrand.

On a motion by Councilman Aversa, seconded by Council President Favaro and carried unanimously, the meeting was closed to the public.

ALL IN FAVOR:

AYES: Liang, Ferro, Favaro, Oh, Consalvo, Aversa

VOTE for the wording on the referendum for no more than 35 feet for commercial property. Borough Attorney will provide actual wording.

ROLL CALL:

AYES: Liang, Ferro, Favaro, Consalvo, Aversa

NAYS: Oh

COMMITTEE REPORTS

COUNCILMAN FERRO reported that PSE&G has repaired the streetlights.

COUNCILMAN LIANG reported all good for Board of Health, no issues.

COUNCIL PRESIDENT FAVARO reported that the DPW will be delivering new recycling containers.

COUNCILWOMAN OH – no report

COUNCILMAN CONSALVO - new legislation passed on 2% CAP. Clean Communities funds to be reviewed with Mark Neville.

COUNCILMAN AVERSA – no report

DPW SUPERINTENDENT NEVILLE - had a preconstruction meeting regarding County roads, all moving forward.

BOROUGH ENGINEER MIRANDI – Pershing Pond restoration meeting scheduled for next week. Road program designed is almost complete.

POLICE CHIEF CIOFFI – DARE graduation went well with the students, Police Academy going on now. One of our cars sustained damages in a pursuit, no one was hurt.

BOROUGH ATTORNEY - no report

BOROUGH CLERK - no report

CONSENT AGENDA

All matters listed below are considered to be routine in nature and was enacted by one motion. There was separate discussion of these items. If any discussion was desired by the Council, that particular item was removed from the Consent Agenda and was considered separately

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RESOLUTIONS 2014:

Consent Agenda

- 97 – Tax Appeal 11 Sixth Street
- 98 – Riverside Cooperative 2014 Road Resurfacing Program Contract
- 99 – Remembrance of the 350th Naming Anniversary of the State of New Jersey
- 100 – Authorization to Bid on Witte Playground Equipment and Award Bid
- 101 – Authorization to Bid on Basketball Court Replacement/Tennis Courts and Award Bid
- 102 – Police Donation

On a motion by Councilman Aversa, seconded by Council President Favaro, Resolutions 97-102 were placed on Consent Agenda and were adopted at Roll Call.

ROLL CALL:

AYES: Liang, Ferro, Favaro, Oh, Consalvo, Aversa

RESOLUTION 14-97

WHEREAS, Carlo Zimatore is the owner of property known and designated as Block 202, Lot 4, also known as 11 Sixth Street, consisting of residential property; and

WHEREAS, the taxpayer has appealed the 2008 and 2009 real property tax assessments; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to effectuate a settlement, wherein the 2008 and 2009 assessments will be reduced from \$687,100 to \$630,000, resulting in a total refund of \$839; and be it further

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

RESOLUTION 14-98

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

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WHEREAS, the Borough of Haworth has volunteered to act as “Lead Agency” for the purchase of work, materials and supplies for the Riverside Cooperative, 35-RC, for the year 2014; and

WHEREAS, the Municipal Clerk of the Borough of Haworth was authorized to receive bids for the 2014 Riverside Cooperative Road Improvement Program; and

WHEREAS, the Borough of Haworth received five (5) bids on May 20, 2014 for the 2014 Riverside Cooperative Road Improvement Program on behalf of the Boroughs of Alpine, Demarest, Englewood Cliffs, Harrington Park, Haworth, Northvale, River Edge, and Tenafly ; and

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

NOW, THEREFORE, BE IT RESOLVED that a contract be awarded to Crossroads Pavement Maintenance, 81 Franklin Avenue, Nutley, New Jersey 07110, in the amount of \$1,449,754.70

BE IT FURTHER RESOLVED that the Haworth Mayor and Municipal Clerk be and are hereby authorized and directed to execute a Master Contract with the above named firm for the 2014 Road Resurfacing Program acting as the Lead Agency on behalf of the Riverside Cooperative, RC-35; and

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

BE IT FURTHER RESOLVED that the Englewood Cliffs Mayor and Municipal Clerk be and are hereby authorized and directed to execute a contract with the above named firm for the Borough of Englewood Cliffs’ 2014 Resurfacing Program in the amount of \$ 205,388.40, including the base bid; and

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

RESOLUTION 14-99

WHEREAS, James, Duke of York, brother to King Charles II, did grant the mainland lying west of Long and Manhattan Islands, extending to the Delaware River and Bay, to John Berkeley, Baron of Stratton, and Admiral Sir George Carteret on June 24, 1664, forming the colony named *Nova Caesarea* or New Jersey to honor Carteret’s defense of the isle of Jersey in the English Channel on behalf of the Royal family during the English Civil War; and

WHEREAS, Director-General Peter Stuyvesant did surrender the Dutch colony of New Netherlands, including what is now Bergen County, in August 1664 to English forces sent to seize it; and

WHEREAS, New Jersey has since played a pivotal role in American history, progressing in times of war and peace from the most culturally diverse colony to the most densely populated state in three and a half centuries; and

WHEREAS, the Bergen 350 Committee of the Bergen County Historical Society shall honor New Jersey's sesquicentennial with a gala reception and dinner on October 15 at The Venetian in Garfield, featuring the inaugural *Bergen County Legends Awards* to recognize outstanding individuals whose celebrity or achievements make them legendary in our county's history; and

WHEREAS, this gala reception and dinner will benefit the building of a Bergen County Hall of History on the Revolutionary War battleground at Historic New Bridge Landing to thereby preserve an important collection of artifacts and documents redolent of our county's proud place in the history of the State of New Jersey and of these United States of America for the benefit of present and future generations;

NOW THEREFORE, BE IT RESOLVED, that the Borough of Englewood Cliffs hereby designates Wednesday, October 15, 2014, for celebration and commemoration of the 350th anniversary of the founding and naming of the State of New Jersey, and that all citizens are urged and invited to join in special remembrance of our American heritage as part of the Bergen 350 festivities.

RESOLUTION 14-100

RESOLUTION AUTHORIZING MUNICIPAL CLERK TO ADVERTISE FOR BIDS FOR THE “WITTE RECREATION COMPLEX PLAYGROUND REPLACEMENT”

WHEREAS, that the Mayor and Council of the Borough of Englewood Cliffs does hereby authorize the Municipal Clerk to advertise bids for the “Witte Recreation Complex Playground Replacement”, and

WHEREAS, the Borough of Englewood Cliffs, received a matching grant from the Board of Chosen Freeholders, Bergen County Open Space Trust Fund Municipal Program specifically for the park improvement project.

NOW, THEREFORE, BE IT RESOLVED, that upon receipt of the bids the Mayor is authorized to award the bid to the lowest responsible bidder upon the review and approval by the Borough Attorney and the attorney drawing the necessary documents and contracts in regard to the successful bid.

RESOLUTION 14-101

RESOLUTION AUTHORIZING MUNICIPAL CLERK TO ADVERTISE FOR BIDS FOR THE REPLACEMENT OF THE BASKETBALL COURTS AND REPAIR OF THE TENNIS COURTS

WHEREAS, that the Mayor and Council of the Borough of Englewood Cliffs does hereby authorize the Municipal Clerk to advertise bids for the replacement of the basketball courts and repair of the tennis courts, and

WHEREAS, the Borough of Englewood Cliffs, received a matching grant from the Board of Chosen Freeholders, Bergen County Open Space Trust Fund Municipal Program for the recreation complex refurbishments specifically the courts.

NOW, THEREFORE, BE IT RESOLVED, that upon receipt of the bids the Mayor is authorized to award the bid to the lowest responsible bidder upon the review and approval by the Borough Attorney and the attorney drawing the necessary documents and contracts in regard to the successful bid.

RESOLUTION 14-102

RESOLUTION ACCEPTING DONATION FOR THE POLICE DEPARTMENT

WHEREAS, the below listed persons are residents and friends of the Borough of Englewood Cliffs; and

WHEREAS, this person(s) has demonstrated a great appreciation for the efforts of the Borough's Police Department; and

WHEREAS, in recognition of the fine work of the Police Department, the below listed person(s) has generously and unselfishly agreed to donate to the Borough Police Department in the aggregate amount of \$1500; and

WHEREAS, the Governing Body is proud to have the following residents and friends of Englewood Cliffs and appreciate their generosity;

North Jersey Oral

\$1000

Maxillofacial &
Reconstructive Surgery LLC

707 Palisade Partners LLC

\$500

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs that the Borough hereby accepts the above listed donations for use in Borough's Police Department.

ORDINANCES 2014: Introduction 14-10 – Bond Issuance for Acquisitions and Improvements

On a motion by Councilman Aversa, seconded by Councilman President Favaro and carried unanimously, Ordinance 14-10 entitled “AN ORDINANCE OF THE BOROUGH OF ENGLEWOOD CLIFFS, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS ACQUISITIONS AND IMPROVEMENTS IN AND FOR THE BOROUGH OF ENGLEWOOD CLIFFS AND APPROPRIATING \$1,928,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,787,900 IN BONDS OR NOTES OF THE BOROUGH OF ENGLEWOOD CLIFFS TO FINANCE THE SAME” was introduced and passed on the first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance is scheduled for **July 22, 2014 at 8 A.M. at 10 Kahn Terrace**

ROLL CALL:

AYES: Liang, Ferro, Favaro, Oh, Consalvo, Aversa

NEW BUSINESS

Mayor suggested that the Public Works review names for laborers to be hired based on resumes submitted. Committee will meet with the candidates.

On a motion by Council President Favaro, seconded by Councilwoman OH, the Clerk was authorized to go out to bid on the road program and a DPW truck, upon, approval of specs by the Borough Attorney. .

ROLL CALL:

AYES: Liang, Ferro, Favaro, Oh, Consalvo, Aversa

Mrs. O'Shea reminded everyone that the Seniors picnic is at 1pm on Sunday. In addition, Mrs. O'Shea thanked the Clerk for assisting with the Veterans Facebook page and website soliciting pictures and names. The Historical Society would like to see more old Englewood Cliffs pictures uploaded.

Seeing and hearing none, the meeting was adjourned at 10:45 P.M.

Respectfully submitted by Lisette M. Duffy, RMC Borough Clerk.

ATTEST:

_____ *Lisette M. Duffy*

Lisette M. Duffy, RMC, Borough Clerk