



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

MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND COUNCIL

DATE: MARCH 20, 2019

CALL TO ORDER: 7:15 P.M.

Council President Oh presides over the meeting.

PRESENT AT ROLL CALL:

Councilman	Jimmy Song (<i>via phone</i>)
Councilwoman	Deborah Tsabari
Councilwoman	Ellen Park
Councilman	Ed Aversa (<i>via phone</i>)
Council President	Gloria Oh

ABSENT:

Mayor	Mario M. Kranjac
Councilman	William Woo

ALSO PRESENT:

Borough Attorney	Joseph Mariniello, Esq.
Municipal Clerk	Lisette M. Duffy

FLAG SALUTE LEAD BY: Council President Oh

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.

Borough Clerk read a prepared statement from Mayor Kranjac. The statement is not a reflection of Borough Clerk's personal views or opinion.

"Good evening. Due to pre-existing family obligations, I could not be here for this evening's hastily called special meeting.

Two things however that I wish to convey to everyone are:

1. I continue to oppose any residential development on the 800 Sylvan site. We had a viable plan and even that plan could be further enhanced to satisfy our borough's affordable housing obligations. I would never surrender this borough to a developer or to the fair share housing zealots.

2. I expect all volunteers in our borough to pass a basic background check. The coach in question failed the little league's background check last year due to pleading guilty to assaulting a law enforcement officer last year — he hit a cop. I doubt he can now pass a background check and I do not want to expose any children, parents, coaches, or officials to any danger. Do not reinstate him. He had a hearing last year and was represented by Al Wunsch when he plead guilty, Wunsch represented him at his hearing and Wunsch waived his right to appeal with a letter. But all that was before he had a campaign party for council members Tsabari and Song last October and I suppose that is why he is on the agenda tonight."

Mario M. Kranjac
Mayor of Englewood Cliffs

Point of Order: Councilwoman Tsabari made a statement regarding Anthony Senatore as a coach for Little League. The Recreation Board recommended Mr. Senatore be suspended for two years and she recommends the Council overturn the ordinance and allow Mr. Senatore to return to coaching Little League.

Borough Attorney said discussion on Recreational Coach is scheduled for later in the meeting.

Council President Oh said to follow the agenda.

PUBLIC PORTION:

Council President Oh stated "IF ANYONE WISHES TO COMMENT ON THE RESOLUTIONS OR ANY OTHER ITEM OTHER THAN ORDINANCES, THEY MAY DO SO AT THIS TIME."

Motion by Councilwoman Tsabari, seconded by Councilwoman Park, the meeting was open to the public. **Motion passed unanimously.**

Lauren Eastwood, 4 Willow Drive, Englewood Cliffs, NJ said she does not believe there is a quorum at this meeting and spoke about affordable housing. She is not in favor of Al Wunsch, Esq. dealing with IA investigations.

Maria Villari, 45 Jane Drive, Englewood Cliffs, NJ agrees with Mayor Kranjac statement on affordable housing. She is not in favor of Al Wunsch Esq. dealing with IA investigations and asked why affordable housing plans are being abandoned.

Andonis Morfesis, 26 John Street, Englewood Cliffs, NJ commented on frustrations regarding affordable housing.

Peter Liaskos, 10 8th Street, Englewood Cliffs, NJ spoke about parking ordinance and recommends increasing the violation fee.

Christine Senatore, 36 Rock Road, Englewood Cliffs, NJ clarified the Mayor's statement regarding Mr. Senatore.

Carrol McMorro, 489 Summit Street, Englewood Cliffs, NJ asked Borough Attorney if we have a quorum and questioned Mr. Wunsch's representation of IA matters.

Borough Attorney responded that we have a quorum and clarified questions.

Carin Geiger, 270 Alfred Street, Englewood Cliffs, NJ commented on affordable housing litigation and is in favor of Councilwoman Tsabari who understands corporate development and is qualified.

Councilwoman Tsabari said no final decisions have been made on affordable housing.

Motion by Councilwoman Park, seconded by Councilwoman Tsabari, the public portion was closed. **Motion passed unanimously.**

Motion by Council President Oh, seconded by Councilwoman Tsabari, the Council went into closed session. **Motion passed unanimously.**

The following resolution was read by the Clerk:

RESOLUTION 19-103

RESOLUTION AUTHORIZING CLOSED SESSION AT MEETING PURSUANT TO THE OPEN PUBLIC MEETINGS ACT

WHEREAS, the Mayor and Council of the Borough of Englewood Cliffs has deemed it necessary to go into closed session to discuss certain confidential matters;

WHEREAS, the minutes of this Closed Session will remain confidential as permitted under the Open Public Meetings Act or shall be released when there is no further need for confidentiality, as authorized by the Borough Attorney.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Englewood Cliffs will go into closed session for the following matters as permitted under the Open Public Meetings Act, N.J.S.A. 10:4-12:

CLOSED SESSION -

Pending Litigation

1. *In Re Borough of Englewood Cliffs*, Docket No. BER-L-6119-15 (Affordable Housing)
2. *800 Sylvan Avenue LLC v. Borough of Englewood Cliffs, Mayor and Council and Planning Board*, Docket No. BER-L-69-18 (Builder's remedy lawsuit)
3. *800 Sylvan Avenue LLC v. Planning Board*, Docket No. BER-L-9088-17 (Builder's suit to challenge Planning Board denial including Resident Carine Geiger's Motion to Intervene in Support of 800 Sylvan LLC against the Borough of Englewood Cliffs Planning Board)

Motion by Councilman Aversa, seconded by Councilwoman Tsabari, the Council came out of closed session. **Motion passed unanimously.**

Borough Clerk stated that Councilman Song arrived at the Closed Session at 9:50 PM.
Borough Clerk stated that Councilman Aversa arrived at the Closed Session at 10:10 PM.

MINUTES

Closed Session
January 18, 2018
March 20, 2018
September 26, 2018
December 5, 2018

Motion by Councilwoman Park, seconded by Councilman Aversa, Closed Session minutes of January 18, 2018, March 20, 2018, September 26, 2018 and December 5, 2018 were approved.

ROLL CALL:

AYES: Park, Aversa, Oh
ABSTAIN: Song, Tsabari

RESOLUTIONS

19-104 Payment of Claims March 14, 2019 through March 20, 2019 \$2,349,861.83
19-105 Transfer Appropriation Reserves
19-106 Assign Litigation Matters to Special Counsel

PAYMENT OF CLAIMS

Resolution 19-104 March 14, 2019 through March 20, 2019 **\$2,349,861.83**

Motion by Councilwoman Tsabari, seconded by Councilman Aversa, the Claims were ordered paid. Motion passed unanimously.

RESOLUTION 19-104

RESOLUTION AUTHORIZING PAYMENT OF CLAIMS

WHEREAS, the Borough of Englewood Cliffs ("Borough") is in receipt of various vouchers and bills for payment due from the Borough in the amount listed below; and.

WHEREAS, the Mayor and Council have reviewed the bills and vouchers and have authorized their payment.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Englewood Cliffs, County of Bergen, State of New Jersey that the Borough's Chief Financial Officer is hereby authorized and directed to make payment of all bills and vouchers included below and attached.

<u>FUND</u>	<u>AMOUNT</u>
CURRENTFUND	\$834,973.48
GENERAL CAPITAL	\$73,489.33
RECYCLING TRUST	\$1,119.93
DEVELOPERS ESCROW	\$1,440,279.09
PARKS PLAYGROUNDS DONATIONS	\$0.00

TOTAL BILL LIST \$2,349,861.83

Motion by Council President Aversa, seconded by Councilwoman Tsabari, Resolution 19-105 was adopted. Motion passed unanimously.

RESOLUTION 19-105

RESOLUTION TO TRANSFER APPROPRIATION RESERVES

WHEREAS, various 2018 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2018 Budget in the last two months of 2018; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Englewood Cliffs, in the County of Bergen, State of New Jersey, (2/3 of the majority of the full membership concurring herein) that the transfers in the amount of \$15,000.00 be made between the 2019 Appropriation Reserves as follows:

ACCOUNT	FROM	TO
01-2030 APPROPRIATION RESERVES		
23-2100 INSURANCE - OTHER INSURANCE PR:	0.00	15,000.00
26-3132 SHADE TREE - O/E:	15,000.00	0.00
01-2030 APPROPRIATION RESERVES:	15,000.00	15,000.00

Motion by Councilman Aversa, seconded by Councilwoman Tsabari, Resolution 19-106 was adopted. Motion passed unanimously.

RESOLUTION 19-106

AUTHORIZING THE APPOINTMENT OF SPECIAL LITIGATION COUNSEL

ALBERT H. WUNSCH, III, Esq. – YEAR 2019

WHEREAS, the Borough of Englewood Cliffs desires to appoint Special Litigation Counsel for the Borough for assignments with respect to litigation now pending or filed against it for the Year 2018; and,

WHEREAS, assignments to the Special Litigation Counsel designated herein shall be made when necessary under the terms and conditions set forth herein; and,

WHEREAS, funds will be available by way of budget appropriation for the provided services.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Englewood Cliffs, Bergen County, New Jersey, that the following firm is appointed for the Year 2019 as Special Litigation Counsel, pursuant to an RFQ response and under the terms and conditions set forth herein:

1. Albert H. Wunsch, III, Esq., Englewood Cliffs, New Jersey; and,
2. The Borough Administrator and/or the Borough Attorney are authorized to take all necessary or appropriate steps to effectuate the appointment immediately, including production of a professional services contract, which contract shall provide for an hourly rate of compensation of \$125.00 and for a total amount for the Year 2019 of not-to-exceed \$15,000.00 per matter, unless increased by adopted resolution of the Mayor and Council; and,
3. The law firm shall continue its representation in the pending matters entitled:
 - a) *In Re Borough of Englewood Cliffs*, Docket No. BER-L-6119-15 (Affordable Housing)
 - b) *800 Sylvan Avenue LLC v. Borough of Englewood Cliffs, Mayor and Council and Planning Board*, Docket No. BER-L-69-18 (Builder's remedy lawsuit)
 - c) *Tracy v. Borough of Englewood Cliffs*, Docket No. BER-L-5969-18 (OPRA)
 - d) *Mario Kranjac v. Council of Englewood Cliffs, et al.* Docket No. BER-L-000300-19
 - e) *Carrol McMorrow v Borough of Englewood Cliffs and Lisette Duffy* Docket No. BER-L-954-19
 - f) *McMorrow v. Tracy v. Borough, et al.*, Docket No. BER-L-5013-16
 - g) *James Tracy v Borough of EC* Docket BER-L-5969-18
 - h) *McMorrow v Tracy and Tracy 3dP C against Borough PD MC and Mayor* filed 12-29-2016 Docket No. BER-L-5013-16 OPRA 3-15-17
 - i) *Cioffi Settlement Agreement Addendum - C. McMorrow*
 - j) *Pending IA to the extent counsel is necessary*
4. The contract shall provide that the Borough Administrator, with the written approval of the Council, may make such assignments as are necessary during the Year 2019, for a specified defense and defendant(s) in a specified litigation, for a specified term ending with the termination of the litigation and/or termination of the represented defendant from the litigation and such may be terminated by resolution of the Mayor and Council; and,
5. The Mayor and Council are authorized to execute the professional service contract and the Borough Clerk is authorized to attest such signature.

Discussion/Update – Recreation Coach

Point of Order: Councilwoman Tsabari would like to make a motion to reduce the suspension of Mr. Senatore to one year and let Little League decide if he can coach again.

Borough Attorney amended the wording of Councilwoman Tsabari's motion - To reduce the suspension to time served to today's date and to allow Little League to decide Mr. Senatore's reinstatement as a coach.

Council President Oh asked Mr. Senatore if he wanted to speak.

Anthony Senatore, 36 Rock Road, Englewood Cliffs, NJ thanked the Mayor and Council for entertaining the request to reinstate him as coach. He clarified the incident that occurred on July 3, 2017 and never assaulted any police officer. Mr. Senatore would like to continue to coach.

Borough Attorney spoke about the ordinance.

Councilwoman Tsabari asked about Mr. Senatore's probation.

Amended Motion by Councilman Aversa, seconded by Councilwoman Park, to reduce the suspension to time served to today's date and to allow Little League to decide Mr. Senatore's reinstatement as a coach.

ROLL CALL:

AYES: Song, Tsabari, Park, Aversa, Oh

ABSENT: Woo

Motion by Councilman Aversa, seconded by Councilwoman Park, seeing and hearing none, the meeting was adjourned at 10:38 P.M. Motion passed unanimously.

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

I CERTIFY THAT THE FOREGOING IS A TRUE COPY OF MINUTES ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS ON JULY 10, 2019.



Lisette M. Duffy, RMC, Borough Clerk