



**BOROUGH OF ENGLEWOOD CLIFFS  
BERGEN COUNTY, NEW JERSEY  
MAYOR AND COUNCIL  
Caucus Agenda\* November 8, 2018**

**LOCATION** Council Chambers, 10 Kahn Terrace, Englewood Cliffs, N.J.

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

**ROLL CALL**

**"OPEN PUBLIC MEETINGS ACT" STATEMENT**

(Change of Order of Business per the Mayor)

**NEW BUSINESS - Discussions**

1. Select date for special meeting for end of November for closed session contract negotiation with Officer-in-Charge-Lieutenant David Hill and other potential matters.
2. Discussion of creation of *Ad Hoc* Committee for Affordable Housing.
3. Witte Field Repairs and Renovation.
4. School Safety and ECPD Role.
5. Traffic Issues.
6. Discussion of Disciplinary Charges as to Borough Clerk Lisette Duffy for actions with respect to draft Minutes of October 10, 2018 and with respect to multiple digital audio recorded conversations with Michael Cioffi.
7. Discussion of Disciplinary Charges dated November 20, 2017 and Hearing Officer's Report of Recommendations as to Michael Cioffi for insubordination in failing to follow directive to use accumulated time benefits (followed by closed session deliberations).

**PUBLIC PORTION**

**CLOSED SESSION - Resolution 18-235**

**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)
4. *Mura v. Borough and Cioffi*, Docket No. BER-L-76-16 (Addendum to settlement and disability retirement)

5. *Lavery et al v. Borough*, Docket No. BER-DC-13795-18 (fees) (potential settlement of L. Cohen claim for attorney fees incurred in Councilwoman Ellen Park's litigation against the Borough)

#### **Attorney-Client Advisory and Deliberations**

6. Michael Cioffi – Insubordination Disciplinary Charges of November 20, 2017

**(After Closed, Announce Changes to the Agenda or Resolutions, if necessary)**

#### **DEPARTMENT HEAD REPORTS October 2018**

#### **RESOLUTIONS 2018**

- 236 Payment of Claims October 11, 2018 through November 8, 2018 **\$2,489,233.30**
- 237 Appointment of Co-Counsel for *In Re Borough of Englewood Cliffs*, Docket No. BER-L-6119-15 (Affordable Housing)
- 238 Approval of Addendum to Settlement Agreement between Borough, Cioffi and Scott Mura
- 239 Approve Settlement of *Lavery, et al v. Borough*, Docket No. BER-SPC-13795-18
- 240 Create Affordable Housing *Ad Hoc* Committee
- 241 Ratify Disciplinary Charges against Captain Brian Murphy, dated September 21, 2018 (Tape 61b, multiple incidents)
- 242 Ratify Disciplinary Charges against Captain Timothy Regan, dated September 12, 2018 (Tapes 102 and 100, multiple incidents)
- 243 Ratify Disciplinary Charges against Lieutenant William Henkelman, dated September 12, 2018 (Tape 102, multiple incidents)
- 244 Authorize Grant Agreement with County of Bergen for Community Development
- 245 Authorize Increase in Not-To-Exceed Amount for Special Counsel Lanza and Lanza
- 246 Authorize Maser Consulting to Apply for the 2019 Bergen County Community Development Block Grant
- 247 Authorization to Transfer Budget Appropriations
- 248 Authorize Settlement of Tax Appeal Block 411, Lot 16 (440 Sylvan Avenue)
- 249 Approving and Ratifying Letter Directive to Use Accumulated Time Benefits to Michael Cioffi, dated November 7, 2017 (resulting in Insubordination Disciplinary Charges, dated November 20, 2017)
- 250 Accepting, Modifying or Rejecting (TBD) Hearing Officer's Recommendations as to Insubordination Disciplinary Charges Against Michael Cioffi, dated November 20, 2017
- 251 Authorizing the Preparation and Submission of Disciplinary Charges against Borough Clerk Lisette Duffy and Submission of Same to Department of Community Affairs
- 252 Hire Fulltime Public Works Laborer
- 253 Authorize Change Order #1 and Final Payment to D & L Paving for Suez Resurfacing
- 254 Increase Not to Exceed Amount for Jeffrey R. Surenian and Associates, LLC

#### **OLD BUSINESS**

#### **ADJOURN**



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

**MAYOR AND COUNCIL  
Regular Agenda\* November 8, 2018**

- **LOCATION** Council Chambers, 10 Kahn Terrace, Englewood Cliffs, N.J.
- **CALL TO ORDER** 8:00 P.M.
- **ROLL CALL**
- **FLAG SALUTE**
- **MOMENT OF SILENCE**
- **VETERANS DAY OBSERVANCE** – November 11, 2018 at 11:00 a.m. at Veterans and Fallen Heroes Park - West Bayview Avenue
- **“OPEN PUBLIC MEETINGS ACT” STATEMENT**
- **BOROUGH CHARITY PROJECT** - Office of Concern Food Pantry
- **CORRESPONDENCE**  
Dr. Jennifer Brower – Englewood Cliffs Schools Superintendent.  
Eric M. Bernstein & Associates, L.L.C. *Privileged and Confidential*
- **PUBLIC PORTION**
- **APPROVAL OF MINUTES PULLED. TO BE PLACED ON NOV. 28 SPECIAL MEETING**

Caucus and Regular March 14, 2018	Special April 23, 2018 Special April 30, 2018	Caucus and Regular July 11, 2018
Special March 20, 2018	Caucus and Regular May 9, 2018	Special July 23, 2018
Special March 23, 2018	Caucus and Regular June 13, 2018	Caucus and Regular August 8, 2018
Special March 29, 2018	Special June 18, 2018	Special August 21, 2018
Special April 6, 2018	Special June 26, 2018	Caucus and Regular September 12, 2018
Caucus and Regular April 11, 2018		Special September 20, 2018 Special September 26, 2018
- **PAYMENT OF CLAIMS**  
236 – Payment of Claims October 11, 2018 through November 8, 2018 **\$2,489,233.30**

○ **RESOLUTIONS 2018**

- 237 Appointment of Co-Counsel for *In Re Borough of Englewood Cliffs*, Docket No. BER-L-6119-15 (Affordable Housing)
- 238 ~~Approval of Addendum to Settlement Agreement between Borough, Cioffi and Scott Mura~~  
PULLED. TO BE PLACED ON NOV. 28 SPECIAL MEETING
- 239 Approve Settlement of *Lavery, et al v. Borough*, Docket No. BER-SPC-13795-18
- 240 Create Affordable Housing *Ad Hoc* Committee
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- 244 Authorize Grant Agreement with County of Bergen for Community Development
- 245 ~~Authorize Increase in Not To Exceed Amount for Special Counsel Lanza and Lanza~~ PULLED.  
TO BE PLACED ON NOV. 28 SPECIAL MEETING
- 246 Authorize Maser Consulting to Apply for the 2019 Bergen County Community Development Block Grant
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○ **ORDINANCES 2018 Public Hearing**

- 18-16 Ordinance to Accept Title and Record Deeds for Two Real Properties
- 18-17 Ordinance to Repeal Ordinance No. 18-07, that amended Code Chapter 2-13 to Establish Promotional Procedures for Position of Chief of Police

- **APPOINTMENT** for unexpired term due to vacancy on Land Use Board by Mayor with advice and consent of Council
- **APPOINTMENT** to fill positions on affordable housing ad hoc committee by Mayor with advice and consent of Council
- **COMMITTEE / COUNCIL MEMBER REPORTS**
- **OLD BUSINESS**
- **ADJOURN**

	MOTION	SECOND	YES	NO	ABSTAIN	RECUSE	ABSENT
AVERSA							
E. PARK							
OH							
O'SHEA							
M. PARK							
WOO	✓	✓	✓	✓			
MAYOR (TIE)			✓	✓			

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

**RESOLUTION NO. 18-240**

**CREATION OF AD-HOC COMMITTEE  
REGARDING AFFORDABLE HOUSING LITIGATION**

**WHEREAS**, the Borough of Englewood Cliffs has a need to create an ad-hoc Committee regarding its affairs and obligations pertaining to Affordable Housing, and desires the assistance of the ad-hoc Committee in pending litigation entitled *In Re: Borough of Englewood Cliffs*, Docket No. BER-L-6119-16 (Affordable Housing) (hereafter, the "Litigation").

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

1. The Borough of Englewood Cliffs Ad-Hoc Advisory Committee Regarding Affordable Housing (the "Committee") be and is hereby created and established;
2. The Committee shall consist of six (6) Committee Members, to be appointed by the Mayor, without the advice and consent of the Council;
3. The Committee Members shall be as follows: the Borough Administrator, the Planning Board Chairperson, two Council Members and two citizens;
4. The Committee shall exist until the Litigation is terminated;
5. The Committee shall operate under the following guidelines and limitations:
  - a. Each Committee Member shall be sworn-in and take an oath of office, shall serve with honor, shall respect his or her fiduciary duty to the Borough that is embodied in the appointment to the Committee, shall keep and maintain confidentiality as necessary and required and shall be bound by the Borough's Code of Ethics (Borough Code Section 2:15 *et seq.*);

- b. The Committee, being ad-hoc, is a temporary, provisional and informal body, designed for a specific task related to the Borough's legal and mandatory obligation to provide Affordable Housing, and is not intended to be adapted to other purposes;
- c. The Committee is an advisory body, designed solely to accomplish its duties as listed herein, and shall be without the power to make decisions and/or to bind the Mayor and Council of the Borough or the Borough under any circumstance;
- d. It is the intent of the Borough that each Committee Member is a Borough representative and therefore shares in the Borough's attorney-client privilege;
- 6. The Committee's assigned task and duties are as follows:
  - a. The purpose and assigned task of the Committee is to provide assistance to the Mayor and Council of the Borough and to the Borough's appointed legal professionals as to the Litigation;
  - b. As part of the purpose and assigned task of the Committee, the Committee and/or any individual Committee Member shall act as liaison between and advisor to the Mayor and Council and to its assigned legal professionals; shall assist and consult with the Borough's appointed legal professionals; and shall periodically report to the governing body on the status of the Litigation, which reporting may be in open session, in closed session if confidentiality is required as permitted under the Open Public Meetings Act, and/or may join the Borough's legal professionals in appearances before the Mayor and Council in open or closed session, as the case may be.
- 7. Nothing herein shall prevent or limit the Borough and/or the Mayor and Council as a whole from performing its and their legal obligations under law.

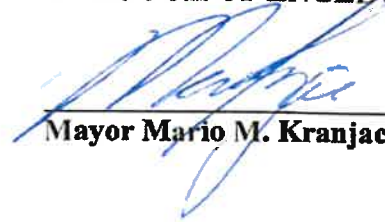
**APPROVED by above vote at the Council Meeting on November 8, 2018.**

**Attest:**



**Borough Clerk Lisette Duffy, RMC**

**BOROUGH OF ENGLEWOOD CLIFFS**



**Mayor Mario M. Kranjac**