

EYE ON THE CLIFFS

September 2017

A publication of EC for Responsible Government

“Let us not seek the Republican answer or the Democratic answer, but the right answer. Let us not seek to fix the blame for the past. Let us accept our own responsibility for the future.” John F. Kennedy

EC for Responsible Government is a not-for-profit corporation established and managed by and for residents of Englewood Cliffs. We are non-partisan and do not endorse or support candidates in local elections. Our organization was created to alert the community about important actions and decisions taking place at meetings of the Mayor and Council, the Planning Board, and the Board of Education. It is our intent that this newsletter will provide you with information and commentary about governmental matters that could affect you. In this edition, we bring you information about Mayor and Council actions affecting the Police Department, Witte Field, and potential development on Route 9W in the southern end of our community.

We encourage you to visit the borough website www.EnglewoodCliffsNJ.org. We also urge you to attend Mayor and Council meetings. If you are interested in joining our organization, please contact us for more information at ecfrg2017@gmail.com. If you want to share your thoughts on this newsletter, please also feel free to contact us at the same email address. We welcome community input. We rely on voluntary contributions to fund our outreach and communication activities. If you want to support our efforts, please make your check payable to EC for Responsible Government and mail it to: PO Box 1812, Englewood Cliffs NJ 07632.

Carin Geiger, President

Debbie Tsabari, Vice President



Mayor says Police Dept is “dysfunctional” and seeks to create new “Director of Public Safety” position to oversee it

At the July meeting of the Mayor and Council, Mayor Mario Kranjac denounced the Englewood Cliffs Police Department as dysfunctional and politically charged, and accused the department’s senior management of “political policing, untruthfulness, intimidation and other behavior unbecoming an officer.” He complained about numerous lawsuits filed by members of the Department since he took office, and asked for the creation of a new administrative position that, he suggested, would end such alleged dysfunction and politicization, and curtail future litigation. Kranjac’s litany of reasons for establishing the position of Director of Public Safety is found on the borough website’s video-recording of the July 12, 2017 meeting.

The August meeting agenda of the Mayor and Council included an ordinance to establish the new “Director of Public Safety” position and, as drafted, the job description expanded the new director’s extensive oversight authority to include the Englewood Cliffs Volunteer Fire Department.

At the August meeting, the entire Volunteer Fire Department stood united in protest as its spokesmen argued against the creation of this position and questioned the need for outside oversight and intrusion into the management of this volunteer organization, citing its one hundred year record of effective service to our community.

Thereafter, the entire Police Department entered the council chamber to voice its objection to the creation of a new position that it believed would not enhance police services to our community. The Department spokesmen cited a need to hire patrolmen to fill vacancies, rather than an additional administrator. A patrol position has been vacant for over one year. They also voiced opposition to Councilwoman McMorrow voting on police matters because of her conflict of interest.

Residents also spoke out against the new position, raising concerns about the risk to personal privacy and safety should an administrator, who is not a trained police officer, be authorized to ride in police cars and take command in emergency situations, such as a lockdown at our schools or a major fire or accident.

In response to the many objections, the Mayor and Council unanimously voted to remove the Volunteer Fire Department from the new Director’s oversight role, and then, in a 4 to 2 vote, with Bill Woo joining the three Democrats, the Ordinance was tabled for redrafting. Only McMorrow and Mark Park voted to adopt the ordinance despite all of the objections to it.

At the August 31 meeting of the Mayor and Council, a revised ordinance was introduced. It says the Director of Public Safety shall "serve as the administrative and executive head of the [police department]...including management responsibility for hiring, supervision training and discipline... [providing] supervision over law enforcement, emergency management, rescue services and emergency medical services, disaster responses, nuisance abatement and property maintenance... [and will supervise] all criminal, internal affairs and disciplinary investigations....and will respond to any police, fire, school...emergency or disaster."

No salary has been set for this position. The 2017 budget does not provide funding for this position.

Commentary: Under the revised ordinance, the Director of Public Safety, who has the power to hire and fire policemen, is appointed by and reports directly to the Mayor. Thus, the new position is a political appointment and it is questionable how the person who fills the position can be independent of the Mayor, let alone resolve the alleged dysfunction the position is purportedly designed to address.

From the day he took office in January 2016, twenty months ago, Kranjac initiated actions to punish Police Chief Cioffi and undermine his authority. Kranjac's actions against Chief Cioffi and the Police Department have resulted in much of the costly litigation about which he now complains. It is unclear how a Director of Public Safety, appointed by the Mayor and having jurisdiction over the Police Chief, will reduce further litigation, improve relationships, or enhance public safety.

Prior to Kranjac taking office in January 2016, Chief Cioffi routinely attended all meetings of the Mayor and Council. One of Kranjac's first acts as Mayor was an overt attempt to undermine the role of the Police Chief by requesting that the then Deputy Police Chief Michael McMorrow, husband of Council President Carrol McMorrow, also attend Mayor and Council meetings. Chief Cioffi objected to the Mayor's interference with the established chain of command, and was thereafter barred by the Mayor from attending future meetings in his official capacity as supervisor of the Police Department.

March 2016: The entire Police Department urge the Mayor and Council to deal with one of their colleague officers who they believed is a threat to their safety and the safety of residents they are sworn to protect. Kranjac disparages their concerns, telling them to wear their reflective vests.

March 2016: The Mayor directs the borough attorney to research how to suspend the Police Chief.

April 2016: Kranjac and the Republican council members of the Council vote to suspend the Chief Cioffi, alleging ticket fixing and falsification of time sheets. These allegations are ultimately not sustained by the Bergen County Prosecutor who found no evidence of criminality.

December 2016: A new set of administrative charges is brought against the Chief Cioffi by the Mayor. Hearings are held in February 2017. Such charges are still pending.

Also in December 2016: The Mayor and Council, in a partisan vote, dismiss all disciplinary charges against Lt. Scott Mura without reference to the lengthy and detailed findings and recommendations of the hearing officer, retired Superior Court Judge Guida, which they received in late June 2016. They refuse to make those findings and recommendations public until ordered to do so by a Superior Court Judge in July 2017 as part of another lawsuit against the borough.

July 2017: The Mayor and Council approve a settlement agreement with Mura, in which he is granted a retroactive promotion to the rank of captain and paid \$110,000.

July 2017: When finally released, the public learns that Judge Guida, the hearing officer in the Mura matter, found Mura guilty of many charges including multiple instances of untruthfulness, and recommended a 130 day suspension without pay.

Police Department Litigation: Most of the lawsuits that have been filed by the Police were filed since Kranjac took office in January 2016. The lawsuits are as follows:

1. Chief Cioffi sued the borough and Kranjac and McMorrow personally, alleging violation of his civil rights.
2. Entire Police Department sued the borough and Kranjac and McMorrow personally, alleging violation of their civil rights and interference in the operation of the Department.
3. Lt. James Tracy, who is gay, sued the borough alleging sexual harassment by his then superior, Michael McMorrow.
4. Patrolman Kyle Ust sued the borough alleging a hostile work environment created by his supervisor Lt. Mura. Ust's suit against the borough has been dismissed, except as to his personal claims against Mura.
5. Favaro et. al. sued the borough alleging procedural violations and conflict of interest in the December 2016 dismissal of all disciplinary charges against Lt. Mura.

Two other police lawsuits, filed prior to January 2016, have been settled by the Mayor and Council. The first was filed by Michael McMorrow in 2012, and settled for \$375,000.

The other was filed by Lt. Mura in December 2015 after the conclusion of the disciplinary hearings against him. The settlement with Lt. Mura included a payment of \$110,000, a retroactive promotion to Captain, increasing his lifetime pension, as well as an agreement that the borough would never file disciplinary charges against him. The settlement also provides that he never again work in Englewood Cliffs.

Please note: The meeting at which the Director of Public Safety Ordinance will be considered for adoption is on Thursday, September 13th at 8 P.M. at the Mayor and Council Chambers.

\$1.3 Million Witte Field Bond Ordinance Voted Down

Witte Field, located on Johnson Avenue, is the major park and recreational facility in Englewood Cliffs. Witte Field was last renovated in 1999.

Driven by complaints of the Englewood Cliffs Little League that problems at Witte Field limited playing and practice time, in June 2016 the Mayor and Council hired engineering firm Maser Consulting (“Maser”) for \$30,000 to recommend solutions to improve the entire field complex.

February 2017: Maser submits a Feasibility Study with four options. Three options call for artificial turf using synthetic crumb rubber which is suspected of being carcinogenic. Maser also proposes a new handicapped compliant playground, a band shell, on-site parking, and LED lights surrounding the entire Witte Field complex. The estimated cost for the four options range from \$2.5 million to \$3.6 million. The Mayor and Council hold several public hearings on these specific options.

Financing of any of the options will require the borough to borrow money by issuing bonds. Five percent of the cost of a project financed by bonds must be provided by funds in the budget.

May 2017: Carrol McMorrow, Council Finance Chair and liaison to the Recreation Committee, puts only \$50,000 in the 2017 budget for the Witte Field project. Such amount is sufficient to pay five percent of a \$1 million project: Maser’s lowest cost option is for a \$2.5 million project.

June 2017: Maser is asked to go back to the drawing board and develop a \$1 million project, including one that is all grass. Maser states that an all grass field is not sustainable because of the projected usage on the fields. However, when questioned, Maser admits that they did not consider the availability of the Upper School playing field as an alternate site when calculating usage. Maser presents three new options and is asked to firm up the costs associated with each.

July 12, 2017: Prior to the start of the regular meeting of the Mayor and Council, Maser presents yet another four options. The cost estimate to put all new grass on the entire Witte Field complex is just \$366,000. Without a full discussion of these new options, the Mayor and Council vote along partisan lines to proceed with so-called “Option 6,” at an estimated cost of \$1.3 million. Option 6 includes synthetic cork turf for the girl’s softball field, installation of four LED lights to illuminate this field for night-time play and practice, and new grass for the balance of Witte Field. The walking paths will not be addressed; nor will there be any other improvements to Witte Field.

The addition of LED lights and synthetic turf for one of the playing areas will cost taxpayers about \$900,000 more than simply installing new sod on the entire field.

August 9, 2017: The Council attempts to adopt an ordinance authorizing \$1.325 million bonds for the improvements to Witte Field included in Option 6 as described above. Four affirmative votes are needed to adopt a bond ordinance issue. Expressing concern that the proposal is too costly and fails to provide a long-term solution to drainage problems and maintenance costs at the field, the three democrats vote against the bond ordinance that would fund Option 6. The bond ordinance does not pass.

Kranjac and McMorrow refuse to entertain further council discussion to reach any compromise or consensus. They declare the field improvements “dead” for this year. But a larger issue remains. If the fields are really a “hazard” as Maser maintains, it would seem incumbent upon the Republican leadership to work without delay together with the Democrats to try to find an acceptable solution that all could live with.



EC for Responsible Government
PO Box 1812
Englewood Cliffs, New Jersey 07632
ecfrg2017@gmail.com

PRSR.T.STD
ECRWSS
U.S.POSTAGE
PAID
EDDM RETAIL

Important news for Englewood Cliffs residents

******ECRWSSSEDDM******
Residential Customer
Englewood Cliffs, N.J. 07632



Mayor and Council to designate area as Rehabilitation Zone and will not commit to honor 35 foot height restriction

As we go to press, the Mayor and Council are expected to vote on September 7 to designate part of Route 9W (Sylvan Avenue), from Van Nostrand Avenue south to the Fort Lee border, as “an area in need of rehabilitation.” The expected vote by the Mayor and Council follows the Planning Board’s hiring of Maser Consulting (“Maser”) for \$20,000, to come up with a plan for the area and Maser’s recommendation to the Planning Board that the area should be designated “an area in need of rehabilitation. On July 13, the Planning Board agreed to make such recommendation to the Mayor and Council, with all board members except Edwin Fehre voting in favor.

Although Kranjac has repeatedly referred to this part of Englewood Cliffs as “blighted” and publicly stated that change is needed, residents driving by can see for themselves that there are just a handful of dilapidated or boarded up buildings on the east side of 9W, and that there are mostly new buildings and other well-maintained properties on this stretch of 9W. Borough records show that the poorly maintained properties are all owned by one resident family.

At the July Planning Board meeting, Maser defended its proposal that this part of Englewood Cliffs be designated an “area in need of rehabilitation”. Maser stated that the age alone (and not the condition) of the water and sewer infrastructure along 9W was sufficient to meet the statutory requirements for making such designation. Edwin Fehre argued that Maser had misinterpreted the two-prong test of the applicable statute. Fehre, a professional engineer and 25 year veteran and former Chairman of the Planning Board, asserted that Maser must provide proof that the water and sewer lines are in need of substantial maintenance and repair. He challenged Maser’s statement that the age of the water and sewer lines was sufficient to justify the conclusion that they are in need of substantial maintenance and repair.

At the August 9 meeting of the Mayor and Council, Maser implied that the designation is a way to permit building heights, building setbacks, building density, and building uses not currently permitted by the existing borough zoning; and is a method to circumvent the legal prohibitions against spot zoning. Neither the Mayor nor the Republican council members would commit to maintaining the existing 35 foot limitation on building height in the designated area.

Maser further stated that the approval of the designation by the Mayor and Council is simply the beginning of a process that requires detailed plans for each property in the designated area, at additional borough expense.

Commentary: It would appear that this action by the Mayor and Council is an elaborate and costly scheme to address the failure of one resident family to maintain their properties. The borough code requires that residents maintain manicured lawns, but does not prohibit boarded up buildings. Perhaps the Mayor and Council could have taken action to prohibit boarded up buildings.

The “rehabilitation zone” designation does not guarantee that any of the property owners in the designated area will actually improve their properties. Of particular concern is that the designation has the potential to allow for construction of new buildings whose height, size and use do not conform to our existing zoning requirements. We, as residents, must be vigilant to insure that actions taken by the Mayor and Council do not lead to building construction in our borough that is inconsistent with the character of our community.