

**GALANTUCCI, PATUTO, DE VENCENTES,  
POTTER & DOYLE**

55 State Street

Hackensack, NJ 07601

Robert Galantucci, Esq. (ID#262991970)

Tel.: 201-646-1100

Attorneys for Plaintiff Michael Cioffi, Chief of Police  
of the Borough of Englewood Cliffs

RECEIVED  
SEP 27 2017  
SUPERIOR COURT  
BERGEN COUNTY  
CLERK

MICHAEL CIOFFI, Chief of Police,

Plaintiff,

v.

BOROUGH OF ENGLEWOOD CLIFFS, Mayor  
MARIO M. KRANJAC; CARROL  
MCMORROW, Councilwoman; EDWARD  
AVERSA, Councilman; GLORIA OH,  
Councilwoman; MARK PARK, Councilman;  
ELLEN PARK, Councilwoman; and WILLIAM  
WOO, Councilman,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: BERGEN COUNTY  
DOCKET NO.: BER-L-6619 -17

CIVIL ACTION

VERIFIED COMPLAINT IN LIEU  
OF PREROGATIVE WRIT  
SUPERIOR COURT BERGEN COUNTY  
FILED

SEP 27 2017

*Lana A. Sinalboni*  
DEPUTY CLERK

Plaintiff Michael Cioffi, Chief of the Borough of Englewood Cliffs Police Department ("Plaintiff" or "Chief Cioffi"), by and through his attorneys, Galantucci, Patuto, De Vencentes, Potter & Doyle, by way of Verified Complaint in Lieu of Prerogative Writ against Defendants Borough of Englewood Cliffs (the "Borough"), Mario M. Kranjac, Mayor ("Mayor Kranjac"), and Borough Council (the "Council") members Carrol McMorrow, Edward Aversa, Gloria Oh, Mark Park, Ellen Park, and William Woo (collectively, "Defendants"), alleges as follows:

**NATURE OF THE ACTION**

1. Plaintiff seeks injunctive relief and a declaratory judgment against Defendants arising out of the September 14, 2017 adoption by the Council of Ordinance 17-12 (the

“Ordinance” annexed hereto as Exhibit “A,” and incorporated herein by reference), which violates Chief Cioffi's rights and responsibilities under *N.J.S.A.* 40A:14-118, commonly known as “The Police Chiefs’ Bill of Rights”.

2. In order to promote efficiency and avoid political interference in the operation of police departments, the Legislature, in adopting the Police Chiefs’ Bill of Rights, granted exclusive power to chiefs of police, where “such position is established,” to serve as “the head of the police force” and to be “directly responsible to the appropriate authority for the efficiency and routine day to day operations thereof . . .”

3. In addition, the statute reserves unto chiefs the responsibilities to: (1) “administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel;” (2) “have, exercise, and discharge the functions, powers and duties of the force;” (3) “prescribe the duties and assignments of all subordinates and other personnel;” (4) “delegate such of his authority as he may deem necessary for the efficient operation of the force to be exercised under his direction and supervision;” and (5) “report at least monthly to the appropriate authority in such form as shall be prescribed by such authority on the operation of the force during the preceding month, and make such other reports as may be requested by such authority.”

4. Pursuant to *N.J.S.A.* 40A:14-118, the Borough of Englewood Cliffs has “established” the position of Chief of Police, E.C. Code 2-13.4, the position presently held by Plaintiff, and has designated the “Mayor and Council” of the Borough of Englewood Cliffs as the “appropriate authority.” E.C. Code 2-13.3.

### THE PARTIES

5. Plaintiff is a resident of the Borough of Englewood Cliffs, , New Jersey and has been a member of the Police Department of Englewood Cliffs (the "Department") for 33 years. Plaintiff has served as the Borough's Chief of Police since July 14, 2010.

6. Defendant Borough is a municipality in Bergen County, State of New Jersey and has adopted the Mayor/Council form of government.

7. Defendant Mario Kranjac is the Mayor of the Borough.

8. Defendants Carrol McMorrow, Edward Aversa, Gloria Oh, Mark Park, Ellen Park, and William Woo are the elected members of the Council, the Borough's governing body.

### FACTUAL BACKGROUND

9. At its public meeting on August 31, 2017, the Council held a reading of proposed Ordinance 17-12 ("Ordinance Amending The Code of The Borough Of Englewood Cliffs To Add New Provisions To Create The Position of Public Safety Director") (the "Ordinance") (a copy of which is annexed hereto as **Exhibit "A"**).

10. At a public meeting on September 14, 2017, the Ordinance was adopted by the Council.

11. Pursuant to §2-31.1(B), the Mayor, with the advice and consent of the Council, is vested with the authority to appoint anyone to the position of a Public Safety Director.

12. Pursuant to §2-31.1(D), the Public Safety Director "shall assume governance of the Borough's Police Department..."

13. Among the qualifications listed for a Public Safety Director is that the appointee have knowledge and ability in the "[a]dministration of police..." See §2-31.2(D)(1).

14. The amended Ordinance establishes the Public Safety Director position as the Appropriate Authority for the Borough and bestows authority to the Public Safety Director to manage public borough entities, including the police department.

15. Section 2-31.3(C) of the amended Ordinance provides that "If a Police Chief is not appointed, any and all of the rights, authorities, powers and responsibilities reserved solely to a Chief of Police pursuant to *N.J.S.A.* 40A:14-118, which cannot by law be performed by the Public Safety Director, shall be delegated to a Chief Law Enforcement Officer as designated by the Public Safety Director.

16. Section 2-31.4 of the amended Ordinance sets forth the duties, functions, and responsibilities of the Public Safety Director. Among the functions identified in this section are:

- Respond to any police and/or fire emergency or community disaster §2-31.4(A)(1);
- “[A]ssumes full management responsibility for all services and activities of the Police Department, and manages the development and “implementation” of the Department’s “goals, objectives and priorities” and recommends “and administers” policies “and procedures.” §2-31.4(A)(2);
- Oversees the “supervision, training and discipline” of the Police Department §2-31.4(A)(3);
- Keeps and maintains all records, reports, documents, and other data required by Federal and/or State government and/or any of their respective subdivisions. Keeps track of necessary training and certification requirements for members, employees and volunteers of the Public Safety Entities; §2-31.4(A)(4);
- Plans, organizes, and directs the activities of the Public Safety Entities, provides supervision over law enforcement... §2-31.4(A)(6);
- Provides supervision over all criminal, internal affairs and disciplinary investigations; §2-31.4(A)(7);

- Recommends appropriate service and staffing levels, monitors and evaluates the efficiency and effectiveness of service delivery methods and procedures, and “allocates resources accordingly.” §2-31.4(A)(8);
- “Plans, directs and coordinates” the “work plan” of the Police Department, “assigns projects and programmatic areas of responsibility,” and reviews and evaluates work methods and procedures. §2-31.4(A)(9);
- Develops annual budgets for operations, equipment and capital in general...; monitors the Department’s budgets throughout the fiscal year “to prevent cost overruns, including overtime; and approves all bills for all departmental transactions, including overtime, stipends or other payments made to employees or members. §2-31.4(A)(10);
- Represents the Public Safety Entities to other departments, elected officials, and outside agencies; coordinates assigned activities with those of other departments and outside agencies and organizations. §2-31.4(A)(14);
- Responds to and “resolves” “difficult and citizen inquiries and complaints...negotiates and resolves sensitive and controversial issues. §2-31.4(A)(15);
- Serves on a “variety” of boards, commissions and committees on matters concerning “improvements in law enforcement, education of the public on safety matters and”[D]epartmental public relations.” §2-31.4(A)(16);
- Develops strategies for complete and confidential recordkeeping of all units of the Police Department for all criminal and other investigated incidents, including Police Internal Affairs Division; §2-31.4(A)(19).

17. The authority granted to the Public Safety Director encroaches on the statutory rights, duties and responsibilities vested in Chief Cioffi as the chief of police of the Department. pursuant to N.J.S.A. 40A:14-118.

18. Among the rights unlawfully granted to the Public Safety Director above were the powers to administer and enforce rules and regulations for the discipline of employees in the Department, including the sole authority to bring disciplinary charges against the members of Department; to prescribe the duties and assignments of subordinates including the Internal

Affairs Division; to have investigated, where warranted, both inter-departmental complaints and private citizen complaints ; to make and adjust assignments and staffing requirements to insure a sufficient compliment of police officers around the clock for the safety and security of the citizens of Englewood Cliffs; to report on a monthly basis to the "appropriate authority" on the operation of the force, and, as "head" of the police force, to represent the Department before the appropriate authority and the public.

19. Each of these rights is reserved exclusively to Chief Cioffi by *N.J.S.A. 40A:14-118*.

20. This Ordinance clearly intends to, and by the powers and duties unlawfully vested in the position of Public Safety Director, to be appointed by the Mayor, does empower the Public Safety Director to act as the Chief of Police.

21. The power to designate assignments, take command in emergencies, enforce and administer rules for the discipline, and direct and assign activities of police officers, is reserved to Chief Cioffi by State statute, as fortified in case law.

22. Under the amended Ordinance, Chief Cioffi's authority and command is impeded by the functions granted to the Public Safety Director.

23. Chief Cioffi is the officer responsible for the day-to-day operations of the Borough's Police Department and is charged with maintaining order and morale within the Department and providing safety to residents of the Borough.

24. Chief Cioffi's duties include, but are not limited to, assigning patrol tasks to police officers and members of the Department, overseeing criminal investigations, taking command of police emergencies, ensuring patrol officers and other personnel are properly trained in all

aspects of police work, including, but not limited to, gun safety, traffic stops, and narcotic investigations and arrests.

25. The command of the Department and Chief Cioffi's role in providing safety and order is subject to grave risk with the implementation of an Ordinance that essentially divests his power as chief of police.

26. The amended Ordinance impacts Chief Cioffi as it undermines his command and authority in the Department.

27. If the amended Ordinance stands, Chief Cioffi's decisions, programs, discipline of subordinates, and leadership will be undermined unlawfully.

28. The amended Ordinance also impacts the Borough's police officers and residents, putting lives at risk. A real threat exists that the Ordinance will create mistrust and division in the Department, with officers and residents thinking the police department is in the daily command of the Public Safety Director and not the chief of police. This is in direct contravention of the "line of authority" mandate of N.J.S.A. 40A:14-118.

## **COUNT I**

### **INJUNCTIVE RELIEF AND DECLARATORY JUDGMENT**

29. Plaintiff repeats and realleges the allegations contained in Paragraphs 1 through 28 of the Verified Complaint as if set forth fully herein.

30. By adopting the Ordinance, Defendants have violated the powers granted to Chief Cioffi, and every other police chief in New Jersey, in the Police Chiefs' Bill of Rights.

31. To prevent irreparable harm to Chief Cioffi, the Department, and the citizens of the Borough, Defendants must be temporarily, preliminarily, and permanently restrained and enjoined from enforcing the unlawful Ordinance.

32. A preliminary injunction during the pendency of this action and a permanent injunction are necessary because they are the only methods of ensuring that Chief Cioffi is permitted to operate the Department in accordance with controlling state law and that the efficient operation of the Department is not negatively impacted by the undue political interference the Ordinance permits.

33. The balance of hardships weighs in favor of Chief Cioffi because allowing Defendants to interfere with his authority to oversee and manage the Department and to continue to interfere and enforce the unlawful Ordinance will permit them to violate *N.J.S.A.* 40A:14-118 and interfere significantly with the efficient operation of the Department.

34. Conversely, no harm would be done to Defendants if an injunction were to issue. They would merely be required to preserve the status quo and comply with controlling federal and state law pending resolution of this matter.

35. The public interest will best be served by restraining and enjoining Defendants from interfering with Chief Cioffi's authority and in upholding his powers and responsibilities under *N.J.S.A.* 40A:14-118.

36. Accordingly, Chief Cioffi is entitled to temporary, preliminary, and permanent injunctive relief.

**WHEREFORE**, Plaintiff Michael Cioffi seeks judgment as follows:

A. That Defendants be temporarily, preliminarily, and permanently enjoined from enforcing Ordinance 17-12; and

B. That all orders and directives issued by Defendants to date pursuant to Ordinance 17-12, if any, be declared null and void; and



C. Awarding such other and further relief as the Court deems just and proper.

**GALANTUCCI, PATUTO, DE VENCENTES,  
POTTER & DOYLE**

Attorneys for Plaintiff, Michael Cioffi, Chief of  
Police

By: 

ROBERT GALANTUCCI, ESQ.

Dated: September 27, 2017

**RULE 4:5-1 CERTIFICATION**

I hereby certify that the matter in controversy is not the subject of any other action pending in any other court or of any pending arbitration proceeding, that no other action or arbitration is contemplated, and that I know of no other party who should be joined in this action.



ROBERT GALANTUCCI, ESQ.

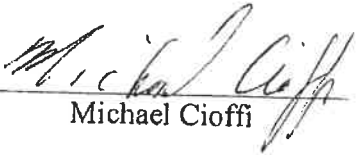
Dated: September 27, 2017

**VERIFICATION**

Michael Cioffi, being duly sworn, says:

I am the Plaintiff named in this Verified Complaint, and the allegations set forth herein are true.

Date: 9-27-17

  
Michael Cioffi

	MOTION	SECOND	YES	NO	ABSTAIN	RECUSE	ABSENT
Averse							
E. Park							
Oh							
MacIntyre							
M. Park							
Woo							
Mayor (TIE)							

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

**ORDINANCE 17-12**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS  
TO ADD NEW PROVISIONS TO CREATE THE POSITION OF PUBLIC SAFETY DIRECTOR**

**WHEREAS**, as a municipal entity, the Borough of Englewood Cliffs has the authority to establish a Police Department and to provide for emergency management coordination and emergency medical services; and,

**WHEREAS**, the Borough of Englewood Cliffs has created the Police Department and the position of Emergency Management Coordinator and has entered into a contract for a private ambulance service that provides emergency medical services; and,

**WHEREAS**, the Borough of Englewood Cliffs has appointed the Chief of Police and the Fire Chief as the Borough's joint Emergency Management Coordinator; and,

**WHEREAS**, the Borough desires to supplement the sub-entities and personnel referenced above by creating and filling the position of the Borough of Englewood Cliffs Public Safety Director.

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

**Section 1.** The Code of the Borough of Englewood Cliffs, Chapter II, entitled "Administration", be and is hereby amended as follows:

**Chapter 2:31 Public Safety Director.**

**§ 2-31.1 Public Safety Director.**

- A. **Creation of Position.** The position of Public Safety Director is hereby created.
- B. **Appointment and Term.** The Public Safety Director shall be appointed by the Mayor with the advice and consent of the Council and the term of the office of Public Safety Director shall be at the pleasure of the Mayor and Council. The Public Safety Director may be removed by the Mayor and Council at their discretion, with or without cause. Any vacancy in the office shall be filled by appointment of the Mayor with the advice and consent of the Council.
- C. **Compensation.** The Public Safety Director shall receive a salary established by the Mayor and Council in a Salary Ordinance.
- D. **Public Safety Entities.** The Public Safety Director shall assume governance of the Borough's Police Department, Emergency Management Coordinator and emergency medical services (collectively referred to as the "Public Safety Entities"). The Public Safety Director's governance of the Public Safety Entities shall be exercised in accordance with this Article and other applicable Code provisions and applicable State Statutes. The Public Safety Director shall be subject to the governance and authority of the Mayor and Council.

EX. "A"

- E. The Public Safety Director shall regularly report to the Mayor, and in the absence of the Mayor, to the Borough Administrator. He/she shall serve as the administrative and executive head of the Public Safety Entities. The Public Safety Director shall establish policies for the operation of the Public Safety Entities and the discipline of the employees and members of the Public Safety Entities.
- F. Appropriate Authority. The "Appropriate Authority" shall be determined as provided in New Jersey Statute *N.J.S.A. 40A:14-118*.
- G. Discipline of Members of Police Department. No member or officer of the Police Department shall be disciplined, suspended, removed, fined or reduced in rank for any cause other than as provided in applicable New Jersey Statutes, the Borough Code, the Borough Personnel Manual, the Police Department's rules and regulations, and/or, if such is applicable to discipline, a union agreement between the Policeman's Benevolent Association and the Borough.

**2-31.2 Qualifications for appointment.**

The qualifications for appointment to the position of Public Safety Director shall be as follows:

- A. Education or experience. The appointee shall minimally possess a Bachelor's Degree from an accredited college or university with major course work in political science, criminal justice, police science, fire science, behavioral science, business or public administration or a related field. At the Borough's sole discretion, an applicant's employment and experience in a related field for a continuous period of more than ten (10) years may be substituted for the educational requirement; and,
- B. The appointee shall possess such qualifications, licenses and permits as are required by any applicable law, rule or regulation, shall be generally on call for off-hour emergencies and shall attend at same; shall be generally available for attendance, as necessary, at meetings of the Mayor and Council; and shall possess or obtain the American Red Cross CPR certification; and,
- C. The appointee shall generally possess the knowledge and ability required to enter the job and/or be required to obtain such knowledge within a reasonable period of time in order to successfully perform the assigned duties; and,
- D. Demonstrated knowledge and ability may include the following:
  1. Administration of police and/or paid fire departments, emergency management and emergency medical services, code enforcement and/or public information programs;
  2. Organizational and management practices as applied to the analysis and evaluation of programs, policies, and operational needs;
  3. Law enforcement theory, principles and practices and their application to a wide variety of services and programs, including investigation and identification, patrol, traffic control, records management, care and custody of persons and property, crime prevention and internal affairs investigation;
  4. Principles and practices of disaster preparedness, response and recovery;
  5. General operational characteristics of police vehicles and equipment;
  6. General knowledge of hazardous materials and mitigation management;
  7. Ability to manage and prevent litigation;
  8. Court decisions and how they affect public safety operations;

9. Methods and techniques of public relations;
10. Pertinent Federal, State and local laws, codes, and regulations;
11. Principles and practices of municipal organization, administration and personnel management;
12. Principles and practices of municipal budget preparation and administration; and/or,
13. Principles of supervision, training and performance evaluation.

**§ 2-31.3 Interconnection of Police Department and Emergency Management  
with Public Safety Director**

- A. **The Police Department.** The Police Department shall serve and protect the public and preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Borough; direct and control traffic; provide attendance and protection during emergencies; provide appearances in court; cooperate with all other law enforcement agencies; provide training for the efficiency of its members and officers, and such other duties and responsibilities as are provided under Borough Code, Chapter 2-13.
- B. **Chief of Police.** The Police Chief, if one is appointed, shall exercise any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police pursuant to *N.J.S.A. 40A:14-118*. Any other rights, authorities, powers and responsibilities not reserved solely to the Chief of Police by *N.J.S.A. 40A:14-118* shall be assumed by the Public Safety Director and may be delegated by him/her when necessary.
- C. If a Police Chief is not appointed, any and all of the rights, authorities, powers and responsibilities reserved solely to a Chief of Police pursuant to *N.J.S.A. 40A:118*, which cannot by law be performed by the Public Safety Director, shall be delegated to the Officer in Charge (OIC), who shall be designated by the Public Safety Director.
- D. The Chief of Police, the Emergency Management Coordinator and emergency medical services shall report directly to the Public Safety Director, and the Public Safety Director shall receive daily or other periodic reports from them as are required by the Public Safety Director.

**§2-31.4 Duties, Functions and Responsibilities.**

- A. Subject to Section 2-31.3(B) herein, the Public Safety Director's efficient governance of the Public Safety Entities shall include, but not be limited to, the following duties, functions and responsibilities:
1. Responds to any police, fire, school and/or community emergency or disaster;
  2. Assumes full management responsibility for all services and activities of the Public Safety Entities; manages the development and implementation of entity goals, objectives and priorities for each assigned service area; and recommends and administers policies and procedures;
  3. Oversees the hiring, supervision, training and discipline of all members and employees of the Public Safety Entities. Ensures that all local, State and Federal laws and ordinances are properly enforced;
  4. Keeps and maintains all records, reports, documents and other data required by the Federal and/or State government and/or any of their respective subdivisions. Keeps track of necessary training and certification requirements for members and employees of the Public Safety Entities;
  5. Keeps and maintains accurate records for each of the Public Safety Entities of all member and employee appointments, promotions, rank reductions, suspensions, dismissals, removals, resignations and deaths as they take place, with such other information as may be necessary;
  6. Plans, organizes and directs the activities of the Public Safety Entities, by providing supervision over law enforcement, emergency management, rescue services and emergency medical services, disaster responses, nuisance abatement and property maintenance;
  7. Provides supervision over all criminal, internal affairs and disciplinary investigations. Develops long term plans to improve operations. Evaluates pending legislation and statutes and responds to changing regulations and technology regarding law enforcement and emergency medical services and management through review of technical materials and professional education.;
  8. Recommends, within the Borough's policies and code, appropriate service and staffing levels; monitors and evaluates the efficiency and effectiveness of service delivery methods and procedures; allocates resources accordingly;
  9. Plans, directs and coordinates, through subordinate level staff, the work plan of the Public Safety Entities; assigns projects and programmatic areas of responsibility; reviews and evaluates work methods and procedures; meets with key staff to identify and resolve problems;
  10. Develops annual department budgets for operations, equipment and capital in general. Develops long-range capital budgets for the programs of the Public Safety Entities. Monitors the departmental budgets throughout the fiscal year to prevent cost overruns, including overtime. Keeps and maintains accurate records of all financial transactions by the Public Safety Entities and approves all bills for the expenditures of same, including overtime, stipends or other payments made to employees or members;
  11. Establishes procedures to be followed by the Public Safety Entities for the purchase of services, vehicles, equipment and supplies and for the maintenance of the Borough's real and personal property purchased by or in use by the Public Safety Entities. Such procedures may include the requirement that the Public Safety Director approve all expenditures before same are incurred. Such procedures shall be in accordance with the State Local Public Contracts Laws and such other laws and regulations as may be applicable. The Public Safety Director shall submit the procedures to the Borough Administrator for review and approval;

12. Ensures that all members and employees of the Police Department are compensated in accordance with wage and hour requirements and such other benefits and employment emoluments as are duly required under applicable law or applicable contract or agreement;
13. Prepares and presents staff reports and other necessary correspondence. Keeps and maintains accurate records and submits an annual report to the Mayor and Council, on or before January 1, which shall assess the functions and operations of each of the Public Safety Entities and their personnel, equipment and property;
14. Represents the Public Safety Entities to other departments, elected officials, and outside agencies; coordinates assigned activities with those of other departments and outside agencies and organizations;
15. Responds to and resolves difficult and sensitive citizen inquiries and complaints; explains, justifies, and defends the programs, policies, and activities of the Public Safety Entities; negotiates and resolves sensitive and controversial issues;
16. Participates on a variety of boards, commissions and committees; serves as the Borough's representative to committees and community organizations concerned with improvements in law enforcement, education of the public on safety matters and departmental public relations;
17. Analyzes and assesses crime trends, statistics and issues to ensure that the Police Department makes the best use of available funds, personnel, equipment and supplies;
18. Evaluates the effectiveness of units, bureaus, work programs and procedures of the Public Safety Entities so as to ensure effective and efficient work methods. Develops strategies for deployment of personnel in an efficient manner so as to keep track of and decrease use of overtime;
19. Develops strategies for complete and confidential recordkeeping of all units of the Police Department for all criminal and other investigated incidents, including the Police Internal Affairs Division;
20. Develops strategies for preservation and transmittal of confidential and/or other Borough or Police Department information, records and/or other tangible items required to be maintained by the Public Safety Entities. Reviews and directs responses of the Public Safety Entities to or for OPRA requests and/or discovery demands in litigation against the Borough, the Police Department and/or against any individual member of the Police Department who has been sued for conduct that occurred in the course of his/her employment. Signs off on all communications regarding OPRA requests and/or litigation demands as described herein;
21. Establishes and maintains helpful and cooperative relations with civic and business organizations, schools, court offices, citizen groups, public authorities and other jurisdictions and with others interested in law and order and public safety; and/or,
22. All such other duties, functions and responsibilities that are not specifically reserved to the Chief of Police; and such other duties, functions and responsibilities as are allowable under New Jersey Statutes; and such other duties, functions and responsibilities as are reasonably inferred from the duties, functions and responsibilities listed herein.

**Section 2.** This ordinance shall govern and supersede any other applicable provision in the Code of the Borough of Englewood Cliffs which is inconsistent with the provisions of this ordinance to the extent of such inconsistency.

**Section 3.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.



**Section 4.** This Ordinance shall take effect twenty (20) days following final passage, approval and publication as required by law.

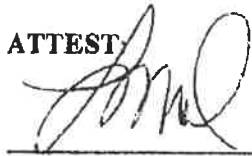
**Introduced: August 31, 2017**

**Adopted:**

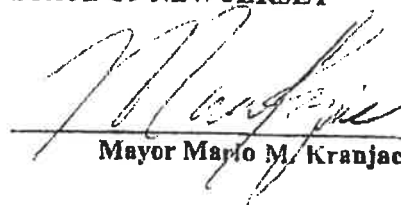
**Effective Date:**

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

**ATTEST**

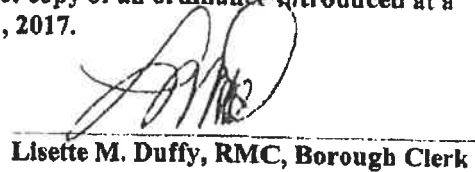


\_\_\_\_\_  
**Lisette M. Duffy, RMC  
Borough Clerk**





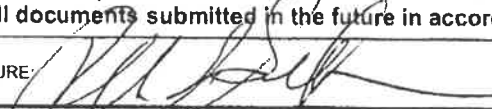
\_\_\_\_\_  
**Mayor Mario M. Kranjac**

**I hereby certify that the foregoing is a true and correct copy of an ordinance introduced at a meeting of the Mayor and Council held on August 31, 2017.**



\_\_\_\_\_  
**Lisette M. Duffy, RMC, Borough Clerk**

**Appendix XII-B1**

	<b>CIVIL CASE INFORMATION STATEMENT (CIS)</b>		<b>FOR USE BY CLERK'S OFFICE ONLY</b>	
	Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> <b>Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>,                  if information above the black bar is not completed                  or attorney's signature is not affixed</b>		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA	CHG/CK NO.
			AMOUNT:	OVERPAYMENT:
			BATCH NUMBER:	
ATTORNEY / PRO SE NAME ROBERT L. GALANTUCCI, ESQ.		TELEPHONE NUMBER (201) 646-1100	COUNTY OF VENUE Bergen	
FIRM NAME (if applicable) GALANTUCCI, PATUTO, DE VENCENTES, POTTER & DOYLE		DOCKET NUMBER (when available) L-6619-17		
OFFICE ADDRESS 55 STATE STREET HACKENSACK, NJ 07601		DOCUMENT TYPE COMPLAINT		JURY DEMAND <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
NAME OF PARTY (e.g., John Doe, Plaintiff) MICHAEL CIOFFI, CHIEF OF POLICE, PLAINTIFF		CAPTION CIOFFI V. BOROUGH OF ENGLEWOOD CLIFFS, MAYOR MARIO KRANJAC, COUNCIL CARROL MC MORROW, GLORIA OH, MARK PARK, ELLEN PARK AND WILLIAM WOO		
CASE TYPE NUMBER (See reverse side for listing) 701	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> Yes <input type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input checked="" type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> Yes <input type="checkbox"/> No				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .				
ATTORNEY SIGNATURE: 				



# CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

## CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

### Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

### Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

### Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

### Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

### Multicounty Litigation (Track IV)

- |  |   |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN                  | 292 PELVIC MESH/BARD                                      |
| 274 RISPERDAL/SEROQUEL/ZYPREXA             | 293 DEPUY ASR HIP IMPLANT LITIGATION                      |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL     | 295 ALLODERM REGENERATIVE TISSUE MATRIX                   |
| 282 FOSAMAX                                | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS           | 297 MIRENA CONTRACEPTIVE DEVICE                           |
| 286 LEVAQUIN                               | 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR              |
| 287 YAZ/YASMIN/OCELLA                      | 300 TALC-BASED BODY POWDERS                               |
| 289 REGLAN                                 | 601 ASBESTOS  |
| 290 POMPTON LAKES ENVIRONMENTAL LITIGATION | 623 PROPECIA  |
| 291 PELVIC MESH/GYNECARE                   | 624 STRYKER LFIT CoCr V40 FEMORAL HEADS                   |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category  Putative Class Action  Title 59

BERGEN COUNTY COURTHOUSE  
SUPERIOR COURT LAW DIV  
BERGEN COUNTY JUSTICE CTR RM 415  
HACKENSACK NJ 07601-7680

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (201) 527-2600  
COURT HOURS 8:30 AM - 4:30 PM

DATE: OCTOBER 02, 2017  
RE: CIOFFI MICHAEL VS BOROUGH OF ENGLEWOOD CLIFFS  
DOCKET: BER L -006619 17

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 4.

DISCOVERY IS PRESUMPTIVELY 450 DAYS BUT MAY BE ENLARGED OR SHORTENED BY THE JUDGE AND RUNS FROM THE FIRST ANSWER OR 90 DAYS FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE MANAGING JUDGE ASSIGNED IS: HON LISA PEREZ-FRISCIA

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 004  
AT: (201) 527-2600.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING. PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE WITH R.4:5A-2.

ATTENTION:

ATT: ROBERT L. GALANTUCCI  
GALANTUCCI PATUTO DE VENCENTES  
55 STATE ST  
HACKENSACK NJ 07601-5460

JUBLENG