

LAW OFFICES

**BRESLIN AND BRESLIN, P.A.**

E. CARTER CORRISTON  
DONALD A. CAMINITI ■ ◇ †

41 MAIN STREET  
HACKENSACK, N.J. 07601-7087

(201) 342-4014

FAX (201) 342-0068/3077

www.breslinandbreslin.com

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485 Underhill Boulevard  
Suite 300  
Syosset, N.Y. 11791  
(914) 686-1533

TERRENCE J. CORRISTON \*  
KEVIN C. CORRISTON \*  
KAREN BOE GATLIN  
E. CARTER CORRISTON, JR. \*

-----  
JOHN J. BRESLIN, JR. (1935 - 1987)  
JAMES A. BRESLIN (1969 - 1980)  
ANGELO A. BELLO (1985-2007)  
*Reply to Hackensack*

■ Certified by the Supreme Court of New Jersey as  
a Civil Trial Attorney

◇ Certified by the National Board of Trial  
Advocacy as a Civil Trial Advocate

\* N.J. & N.Y. Bars  
† N.J., N.Y. & D.C. Bars

January 30, 2017

VIA REGULAR AND CERTIFIED MAIL

Lisette M. Duffy, Borough Clerk  
Borough of Englewood Cliffs  
482 Hudson Terrace  
Englewood Cliffs, New Jersey 07632



RE: Favaro, et al vs. Borough of Englewood Cliffs, et al

Dear Sir/Madam:

Please be advised that we herewith serve upon you copy of Summons, Complaint and Track Assignment Notice in reference to the above-entitled matter.

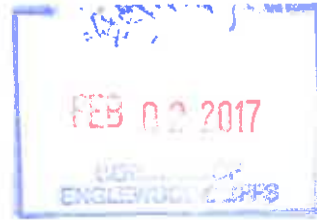
Thank you.

Yours truly,

BRESLIN AND BRESLIN, P.A.

  
E. Carter Corriston

ECC:ck  
Enclosure



E. Carter Corriston, Attorney I.D. #203981961  
**BRESLIN AND BRESLIN, P.A.**  
41 Main Street  
Hackensack, New Jersey 07601  
(201) 342-4014  
Attorneys for Plaintiff

JOSEPH FAVARO, CARIN GEIGER and MELANIE SIMON,

Plaintiffs,

vs.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: BERGEN COUNTY  
DOCKET NO. BER-L-548-17

**CIVIL ACTION  
SUMMONS**

BOROUGH OF ENGLEWOOD CLIFFS, NUNZIO CONSALVO, CARROL McMORROW and SCOTT MURA,

Defendants,

The State of New Jersey, to the Above Named Defendant

Lisette M. Duffy, Borough Clerk, Borough of Englewood Cliffs, 482 Hudson Terrace, Englewood Cliffs, N.J. 07632

The Plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN-971, Trenton, New Jersey 08625. A filing fee (\$135.00 for Law Division and for Chancery Division cases) payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to Plaintiff's attorney whose name and address appear above, or to Plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief Plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford to pay an attorney, you may call the Legal Service office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Legal Referral Services. A list of these numbers is also provided.

DATED: January 30, 2017

*Michelle M. Smith*  
Michelle M. Smith, Clerk  
Superior Court of New Jersey

Name of defendant to be served: See above  
Address for service: See above

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: JANUARY 24, 2017  
RE: FAVARO VS BOROUGH OF ENGLEWOOD CLIFFS  
DOCKET: BER L -000548 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 003  
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: E C. CORRISTON  
BRESLIN & BRESLIN  
41 MAIN STREET  
HACKENSACK NJ 07601

JUBTRUO

SUPERIOR COURT BERGEN COUNTY  
FILED

JAN 23 2017

*Laura A. Lombardi*  
DEPUTY CLERK

E. Carter Corrison, Attorney I.D. #203981961  
BRESLIN AND BRESLIN, P.A.  
41 Main Street  
Hackensack, New Jersey 07601  
(201)342-4014  
Attorneys for Plaintiffs

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - BERGEN COUNTY  
DOCKET NO. *LS48-17*

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JOSEPH FAVARO, CARIN GEIGER and  
MELANIE SIMON,

Plaintiffs,

vs.

BOROUGH OF ENGLEWOOD CLIFFS,  
NUNZIO CONSALVO, CARROL  
McMORROW and SCOTT MURA,

Defendants,

---

CIVIL ACTION

ACTION IN LIEU OF  
PREROGATIVE WRIT

Plaintiffs, citizens of Englewood Cliffs, by way of Action in Lieu of Prerogative Writ,  
say:

FIRST COUNT

1. Prior to January 1, 2015, Michael Cioffi, Chief Police of the Borough of Englewood Cliffs, was in charge with overseeing the Rules and Regulations of the Police Department pursuant to N.J.S.A. 40A:14-147.

2. At that time Lt. Scott Mura was a lieutenant in the Police Department of the Borough of Englewood Cliffs.

3. Scott Mura is an interested party and if the relief sought is granted in this action he will be affected.

3. As a result of certain alleged misconduct by said Lt. Scott Mura, Chief of Police, Michael Cioffi, filed three separate preliminary notices of disciplinary actions against Lt. Scott Mura. See attached as **Exhibit A**.

4. Lt. Scott Mura contested said charges and was found guilty of said charges by the Chief of Police and the Police Committee of Englewood Cliffs and the Mayor.

5. Pursuant to N.J.S.A. 40A:14-147 st seq., Lt. Scott Mura, appealed as a matter of right for a hearing in regard to the validity of said findings.

6. Raymond Wiss, Esq. was retained by the Borough of Englewood Cliffs to represent the Borough in regard to same.

7. Marcia Tapia-Mitol, Esq. was retained by Lt. Scott Mura in regard to these proceedings.

8. The Honorable Robert Guida, retired Judge of the Superior Court, Law Division, was appointed by the Borough of Englewood Cliffs to be the Hearing Officer.

9. Lt. Scott Mura requested the matter be held in public and, therefore, four separate hearing dates were held by the Honorable Robert Guida, the Hearing Officer; and

10. The resolutions to appoint Judge Robert Guida and Raymond Wiss, Esq., as a result of a 3-3 vote by the Council based on partisan political representations, the appointment was passed as a result of the Honorable Mayor Joseph C. Parisi, Jr., who cast the tie breaking vote. See **Exhibit B**.

11. One of the persons voting against the appointment of Raymond Wiss and the Honorable Robert Guida, was Nunzio Consalvo, elected Republican Councilperson.

12. Four separate hearing dates were held by Judge Guida and the hearings were completed on Wednesday, October 14, 2015.

13. Based upon vouchers submitted to the municipality, Judge Guida initially issued a Report and Recommendations to the Council on or about April 28, 2016.

14. Judge Guida issued another report which may have included disciplinary recommendations (Disciplinary Report") to the Council on or about June 30, 2016.

15. Thereafter, no action was taken by the Council prior to December 14, 2016.

16. Between April 2016 and December 2016, at various public meetings of the Mayor and Council of the Borough, the public inquired as to when said Mayor and Council would deliberate and make its decision on the charges against Mura based on a review of Judge Guida's Report and Recommendations and Disciplinary Report. Consistently and repeatedly, the Mayor and Council remained silent, or the Mayor responded with a comment such as "stay tuned".

17. Transcripts of the proceedings were made available to all Members of the Council and Mayor, who now was the Honorable Mario Kranjac.

18. The Council published its agenda on December 14, 2016, the same date as the regularly scheduled Council Meeting which was the agenda for the meeting of December 14, 2016 at 8:00 p.m., which is attached as **Exhibit C**.

19. Nowhere in the agenda was there any indication that the matter of Judge Guida's recommendations would be deliberated or decided by the Council at the meeting or at the Caucus meeting.

20. The Caucus agenda for the same meeting also did not contain any notice that the Council would consider or deliberate in regard to the charges against Lt. Scott Mura in regard to both agendas. See attached as **Exhibit D**.

21. During the Caucus meeting of December 14, 2016, for the first time the Closed Session Resolution 16-154 was presented to the Mayor and Council indicating that matters to be discussed include the following: attorney-client privilege - pending litigation, Mura vs. Englewood Cliffs. That notice in itself does not, in any way, apprise the public who may have been attending the Caucus agenda, that the matter of the proceeding against Lt. Scott Mura would be discussed and that the Council would deliberate in closed session in regard to Judge Guida's opinion and recommendations, nor that they would act in regard to same. There is, in fact,

pending litigation in the matter of Scott Mura vs. Borough of Englewood Cliffs and Michael Cioffi in the Superior Court of New Jersey, Law Division, Bergen County, Docket No. BER-L-76-16, which a reasonable person would assume to be the subject matter of the closed session in regard to Resolution 16-154. See attached as **Exhibit E**.

12. Plaintiffs allege that said action was contrary to N.J.S.A. 10:4-8 because it did not include, pursuant to the statute, the extent of the proposed action and was intentionally withheld from the public.

23. Plaintiffs similarly allege that in the Caucus Resolution Agenda they failed to advise the public that the disciplinary proceedings against Lt. Scott Mura and that the Council would discuss same in regard to making a final decision or to be presented at the closed session of the Caucus in violation of N.J.S.A. 10:4-8 et seq., and proposed actions were intentionally withheld from the public.

24. The caucus and regular meetings of the Mayor and Council of the borough customarily include a public participation portion during which the public is invited to comment on any items or resolutions on the meeting agendas. During the public participation of the result meeting on December 14, 2016, one of the Plaintiffs asked the Mayor and Council when they intended to act on the Mura charges. In response to such inquiry, the Mayor and Council remained silent. It is alleged by the Plaintiffs that the Mayor and Council deliberately and intentionally withheld from the public, notice that they intended to take action on this matter during the course of the meeting.

25. After the close of the public participation portion of the regular public meeting on December 14, 2016 of the Mayor and Council, Resolution 16-162 was introduced by McMorrow and it was read into the public record for the first time. This was the first time that the public was made aware that this matter would be acted upon by the Mayor and Council at the meeting. Since it was added to the Regular Meeting Agenda after the conclusion of the public participation portion of the result meeting, the public was both unaware that the matter would be discussed and acted upon and had no opportunity to make comment on it during the public participation

portion of the regular public meeting. Again, it is alleged by the Plaintiffs that the Mayor and Council of the Borough deliberately and intentionally withheld from the public, notice that they intended to take action on the Mura charges during the December 14, 2016 meeting. See attached **Exhibit F**.

26. Councilperson Oh was not allowed to comment on Resolution 16-162 after it was introduced.

27. Resolution 16-162, which dismissed each and every charge against Mura, was passed on partisan lines as part of the consent agenda by a 3-2 vote, with McMorrow abstaining from voting.

28. Plaintiffs allege that in regard to the Caucus agenda and regular agenda, which notices were prepared and published, that actually more was known about the extent of the agenda than was conveyed to the public and that the Mayor and Council had an obligation to include that information concerning the Mura decision in regard to their agenda and that this omission was intentional and designed to deceive the public.

WHEREFORE, Plaintiffs allege that Resolution 16-162 should be ruled to be null and void as a result of violation of N.J.S.A. 10:4-8, et seq. and that the matter be remanded back to the Council for further action.

#### SECOND COUNT

1. Plaintiffs repeat and make a part hereof all of the paragraphs of the First Count as if more specifically set forth herein.

2. Councilman Nunzio Consalvo cast one of the three votes which caused Resolution 16-162 to be passed and further participated in the closed session deliberations in regard to the charges against Lt. Scott Mura and Judge Guida's report and recommendations.

3. Plaintiffs allege that pursuant to the law of New Jersey as annunciated in Kane Properties, LLC vs. City of Hoboken, 423 N.J. Super (2011), Councilman Consalvo's vote should be voided on the basis that the proceedings alleged and decision by the Council call for disqualification because they were of a quasi-judicial forum and presented the appearance of



impropriety based on Kane Properties LLC vs. City of Hoboken, 214 N.J. 199 (2013), at 222 and 223, in regard to Councilman Consalvo's participation.

4. Plaintiffs alleged that pursuant to the law of New Jersey as announced in Kane Properties, LLC vs. City of Hoboken, 423 N.J. Super (2011), Consalvo's vote on Resolution 16-162 should be voided because his public comments prior to the adjudication of this matter, as well as his actions, indicate his bias. Plaintiffs contend that it is not simply the existence of a conflict, but also the appearance of a conflict that must apply in quasi-judicial proceedings. Plaintiffs contend that the action by the Mayor and Council on this matter is of a quasi-judicial nature and that a higher and more stringent judicial standard should govern his participation, higher and more stringent than the standard that applies to routine Council legislative matters. Consalvo's statements, publically and in the newspaper, demand his disqualification because in a quasi-judicial proceeding, his stated bias in this matter calls his impartiality into question. The judicial standards articulated in Kane Properties LLC vs. City of Hoboken, 214 N.J. 199 (2013) at 222 and 223, should prevent and exclude Councilman Consalvo's participation and voting. See attached as **Exhibit G**.

WHEREFORE, Plaintiffs demand judgment disqualifying the vote of Councilman Consalvo and remanding the proceedings back to the Mayor and Council for further action.

### THIRD COUNT

1. Plaintiffs repeat and make a part hereof all of the paragraphs of the First and Second Counts as if more particularly set forth herein.

2. Carrol McMorrow is the wife of the retired Deputy Chief, Michael McMorrow. She has previously recused herself in all matters involving the Police Department, including not voting in regard to Resolution 16-162. (See attached as **Exhibit F**). Her husband, retired Deputy Chief, Michael McMorrow, previously brought a legal action against the Borough of Englewood Cliffs and Chief Michael Cioffi, Docket No. BER-L-76-16. In that case she retained counsel and made application to the Court to permit her to turn over certain evidence and statements that she had in her possession as a result of her being a former Councilperson.

3. The lawsuit was based upon the New Jersey Civil Rights Act ("NJ CRA"), N.J.S.A. 10:6-1, et seq. and the New Jersey Conscientious Employee Protection ("CEPA"), N.J.S.A. 34:19-1, et seq. The Docket number was BER-L-76-16. The Honorable Susan J. Steele, J.S.C., rendered an opinion and an order filed on December 1, 2014, denying her right to turn over said evidence.

4. In the event that this matter is remanded, Councilperson Carrol McMorrow should be disqualified from participating in the vote because her participation in a quasi judicial matter would present the appearance of impropriety despite Atlantic City vs. Trupos. supra, 201 N.J. at 264 and further stated by the Supreme Court in Kane Properties, 214 N.J. 199 (213) at 222 and 223.

5. As previously stated, Plaintiffs allege these proceedings are quasi judicial acts and pursuant to Kane Properties. Supra, 423 and Kane Properties, 214 N.J. Supra, she should be prohibited from participating in any matter which involves the Police Department.

6. Plaintiff alleges that there is reason to lack confidence and integrity of proceeding when Carrol McMorrow's participation may be questioned in regard to her relationship with the Police Department.

7. Most recently on December 29, 2016, Council approved a settlement of the above action bearing Docket No. BER-L-76-16 of Deputy Chief McMorrow against the Borough of Englewood Cliffs and Chief Michael Cioffi, without admitting liability, in the amount of \$375,000. Her position as the wife of Deputy Chief McMorrow, who has litigated this matter, should cause her recusal in all matters involving the Englewood Cliffs Police Department so long as Michael Cioffi is still the Chief.

WHEREFORE, Plaintiffs demands injunctive relief against Carrol McMorrow from participating in this matter provided the Court remands same back to the Mayor and Council.

#### FOURTH COUNT

1. Plaintiffs repeat and make a part hereof all of the paragraphs of the First, Second and Third Counts as if more particularly set forth herein.

2. The resolution authorizing the dismissal of all charges as to Lt. Scott Mura consists of four paragraphs, none of which refer to the governing body's findings of fact and relevant arguments. See attached Exhibit F.

3. Pursuant to New Jersey law, the disclosure of the deliberations of the governing body's decision must and should be available to the public, Della Serra v. Borough of Mountainside, 196 N.J. Super at 12. In this instance the public has no knowledge of the reasons why, or facts considered, including the Honorable Robert Guida's findings and recommendations.

4. The deliberations of the governing body were quasi-judicial in matter.

5. Plaintiffs allege that said actions by the governing body were arbitrary and capricious and without basis.

WHEREFORE, Plaintiffs demand that the matter be remanded to the Council for further findings of fact and the basis for same and to make same available to the public.

#### FIFTH COUNT

1. Plaintiffs repeat and make a part hereof all of the paragraphs of the First, Second, Third and Fourth Counts as if more particularly set forth herein.

2. The acts of the Defendants and Defendant municipality were in violation of N.J.S.A. 10:4-1 and particularly N.J.S.A. 10:4-8.

WHEREFORE, the Plaintiffs demand attorneys fees and costs.

BRESLIN AND BRESLIN, P.A.  
Attorneys for Plaintiffs

By   
E. Carter Corriston

DATED: 1/23/17

CERTIFICATION

I hereby certify that the matter in controversy is not the subject of any other pending action or arbitration proceeding nor is such action or arbitration presently contemplated

BRESLIN AND BRESLIN, P.A.  
Attorneys for Plaintiffs

By   
E. Carter Corrison

DATED: 1/23/17

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, E. CARTER CORRISTON, is hereby designated as trial counsel.

BRESLIN AND BRESLIN, P.A.  
Attorneys for Plaintiffs

  
E. Carter Corrison

DATED: 1/23/17

# EXHIBIT A

BOROUGH OF ENGLEWOOD CLIFFS  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION 2015-

WHEREAS, the Chief of Police, Michael Cioffi has issued (3) separate preliminary notices of disciplinary actions against Lt. Scott Mura setting further violations of N.J.S.A. 40A: 14-147-Misconduct as follows:

- a. Rules and Regulations -3:1.1 - Violations of Rules
  - b. Rules and Regulations - 3.1.4- Obedience to Law and Rules
  - c. Rules and Regulations-3:1.6-Conduct Toward Other Department
  - d. Rules and Regulations-3.1.14-Unbecoming Conduct
  - e. Rules and Regulations - 3.1.17- Intercession
  - f. Rules and Regulations - 3.7.14- All Other Conduct
  - g. Rules and Regulations - 3.13.5- Truthfulness
  - h. Rules and Regulations - 1.5- Law Enforcement Code of Ethics
- and;
- a. Rules and Regulations - 3:1.1 - Violations of Rules
  - b. Rules and Regulations - 3:1.4 - Obedience to Law and Rules
  - c. Rules and Regulations - 3:1.5 - Insubordination
  - d. Rules and Regulations - 3:1.6 - Conduct Toward Other Department Employees
  - e. Rules and Regulations - 3.1.14 - Unbecoming Conduct
  - f. Rules and Regulations - 3.7.14-All Other Conduct
  - g. Rules and Regulations - 3.13.5-Truthfulness
  - h. Rules and Regulations - 1.5 - Law Enforcement Code of Ethics

and;

- a. Rules and Regulations - 3:1.1-Violation of Rules
- b. Rules and Regulations - 3.1.4 - Obedience to Law and Rules
- c. Rules and Regulations - 3.1.6- Conduct Toward Other Department
- d. Rules and Regulations - 3.1.14- Unbecoming Conduct
- e. Rules and Regulations - 3.1.17-Intercession
- f. Rules and Regulations - 3.7.14 - All Other Conduct
- g. Rules and Regulations - 3.13.5- Truthfulness
- h. Rules and Regulations - 1.5 - Law Enforcement Code of Ethics

WHEREAS, said charges have been served upon Lt. Scott Mura; and

WHEREAS, Lt. Scott Mura has retained the Law Office of Limsky Mitolo located at 224 Johnson Avenue, 2<sup>nd</sup> Flr, Hackensack, New Jersey 07601 on his behalf;

NOW, THEREFORE, BE IT RESOLVED, that the Honorable Robert R. Guida, Retired Judge of the Superior Court, Sinisi & Raso, 2 Sears Drive, P. O. Box 1458, Paramus, New Jersey 07653, is here by retained as the Hearing Officer at the rate of \$350.00 per hour; and

I certify that the within Resolution was passed and adopted by the Mayor and Council of the Borough of Englewood Cliffs on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

I hereby certify that the within Resolution was passed by the Mayor and Council of the Borough of Englewood Cliffs on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
Lisette M. Duffy, Acting Clerk

APPROVED:

\_\_\_\_\_  
Joseph C. Parisi, Jr., Mayor

# EXHIBIT B



	MOTION	SECOND	YES	NO	ABSTAIN	RECUSE	ABSENT
EASTWOOD							
LIANG							
FAVARO							
OH							
CONSALVO							
AVERSA							
MAYOR (TIE)							

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

**RESOLUTION 15-86** ✕

**WHEREAS**, the Chief of Police, Michael Cioffi has issued preliminary notices of disciplinary actions against Lt. Scott Mura setting further violations of N.J.S.A. 40A: 14-147; and

**WHEREAS**, said charges have been served upon Lt. Scott Mura; and

**WHEREAS**, Lt. Scott Mura has retained the Law Office of Limsky Mitolo located at 224 Johnson Avenue, 2<sup>nd</sup> Flr, Hackensack, New Jersey 07601 on his behalf;

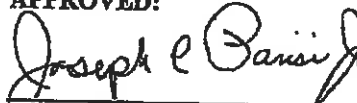
**NOW, THEREFORE, BE IT RESOLVED**, that the Honorable Robert R. Guida, Retired Judge of the Superior Court, Sinisi & Raso, 2 Sears Drive, P. O. Box 1458, Paramus, New Jersey 07653, is here by retained as the Hearing Officer at the rate of \$350.00 per hour.

**I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A RESOLUTION ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS ON JUNE 10, 2015**

**ATTEST:**

  
 Lisette M. Duffy, RMC, Borough Clerk

**APPROVED:**

  
 Joseph C. Parisi, Mayor

# EXHIBIT C



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

**Regular \*Agenda**

**December 14, 2016**

- **CALL TO ORDER: 8:00 P.M.**
- **ROLL CALL**
- **FLAG SALUTE**
- **“OPEN PUBLIC MEETINGS ACT” STATEMENT**
- **PROCLAMATION – Honoring Retired Sergeant Ethienne Ershadi**
- **MINUTES:** Caucus and Regular Minutes of November 10, 2016
- **CORRESPONDENCE:** Letter from Sisters of St. Joseph of Peace
- **CLAIMS FOR THE PERIOD:** November 11, 2016 through December 14, 2016
- **DEPARTMENT HEAD REPORTS:** Approval of November 2016 Reports
- **PUBLIC PORTION**
- **RESOLUTIONS 2016: Consent Agenda**
  - 155 – Authorize Adoption of Personnel Manual
  - 156 – Authorization to Hire Winter Basketball Coordinator for 2017
  - 157 – Transfer of Plenary License 0216-33-003-007 Person to Person/Place to Place
  - 158 – Authorization to Transfer Budget Appropriations
  - 159 – Emergency Appropriation for Tax Appeals
  - 160 – Approve Designation of an Acting Municipal Court Administrator
  - 161 – Authorize Execution of Fifth Street
- **ORDINANCES**
  - 11 - AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS, SECTIONS 2-13, ENTITLED “POLICE DEPARTMENT” TO ADD SECTION 2-13.8 ENTITLED “HIRING POLICIES AND PROCEDURES”
  
  - 12 - AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS, CHAPTER 2, “ADMINISTRATION”, SECTION 2-18, “BOROUGH ADMINISTRATOR”, SUBSECTION 2-18.4, “GENERAL DUTIES”
- **COMMITTEE REPORTS**
- **OLD BUSINESS**
  - Discussion on Police Hiring Policy
- **NEW BUSINESS**
  - Discussion on Personnel Manual
  - Discussion on Amending Borough Code
  - 5K Run 2017
  - Appointment to the Recreation Advisory Board
  - Sine/Die
  - Reorganization

**RECESS**

# EXHIBIT D



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

**Caucus \*Agenda**

**December 14, 2016**

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

**ROLL CALL**

**"OPEN PUBLIC MEETINGS ACT" STATEMENT**

**PUBLIC PORTION**

**CLOSED SESSION:** Resolution 16-154

**REVIEW & DISCUSSION on the following:**

**MINUTES:** Caucus and Regular Minutes of November 10, 2016

**CLAIMS:** November 11, 2016 through December 14, 2016

**RESOLUTIONS 2016: *Consent Agenda***

- 155 – Authorize Adoption of Personnel Manual
- 156 – Authorization to Hire Winter Basketball Coordinator for 2017
- 157 – Transfer of Plenary License 0216-33-003-007 Person to Person/Place to Place
- 158 – Authorization to Transfer Budget Appropriations
- 159 – Emergency Appropriation for Tax Appeals
- 160 – Approve Designation of an Acting Municipal Court Administrator
- 161 – Authorize Execution of Fifth Street

**ORDINANCES**

11 - AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS, SECTIONS 2-13, ENTITLED "POLICE DEPARTMENT" TO ADD SECTION 2-13.8 ENTITLED "HIRING POLICIES AND PROCEDURES"

12 - AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS, CHAPTER 2, "ADMINISTRATION", SECTION 2-18, "BOROUGH ADMINISTRATOR", SUBSECTION 2-18.4, "GENERAL DUTIES"

**OLD BUSINESS**

Discussion on Police Hiring Policy

**NEW BUSINESS**

Discussion on Personnel Manual  
Discussion on Amending Borough Code  
5K Run 2017  
Appointment to the Recreation Advisory Board  
Sine/Die  
Reorganization

**ADJOURN**

# EXHIBIT E

	ADDITION	SECOND	YES	NO	ABSTAIN	RECUSE	ABSENT
AVERS							
LIANG							
OH							
MCMORROW							
PARK							
CONSALVO							
MAYOR (TIE)							

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

**RESOLUTION 16-154**

**RE: CLOSED SESSION**

**WHEREAS, N.J.S.A. 10:4-12** allows for a public body to go into closed session during a public meeting, and

**WHEREAS,** the Mayor and Council of the Borough of Englewood Cliffs has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public,

**NOW, THEREFORE BE IT RESOLVED,** that the Mayor and Council of the Borough of Englewood Cliffs will go into closed session for the following reason as outlined in N.J.S.A. 10:4-12:

**POTENTIAL LITIGATION  
Pending Tax Appeals**

**PERSONNEL**

3 Matters

Staffing - Recreation Department

Staffing - Building Department

Staffing - Administration

Attorney Client Privilege

5<sup>th</sup> Street Settlement

Attorney Client Privilege – Pending Litigation  
Mura vs. Englewood Cliffs

**I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A RESOLUTION  
ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS  
ON DECEMBER 14, 2016**

**ATTEST:**

**APPROVED:**

Lisette M. Duffy, RMC, Borough Clerk

Mario M. Kranjac, Mayor

# EXHIBIT F



	MOTION	SECOND	YES	NO	ABSTAIN	RECUSE	ABSENT
CAVERSA							
LIANG			✓	✓			
OH							
MCMORROW							
PARK							
CONSALVO			✓				
MAYOR (TIE)							

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

**RESOLUTION 16-162**

**A RESOLUTION OF THE BOROUGH OF ENGLEWOOD CLIFFS, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AUTHORIZING THE DISMISSAL OF ALL CHARGES AS TO OFFICER SCOTT MURA**

**WHEREAS**, six (6) certain charges were issued in 2015 as to Officer Scott Mura; and

**WHEREAS**, following issuance of the charges there was an appeal of these charges; and

**WHEREAS**, the Mayor and Council were apprised as to the record of appeal and relevant information; and

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Borough Council have reviewed and discussed the matter, all pertinent facts and information, and have decided to dismissal of all charges as to Officer Scott Mura.

This Resolution shall take effect immediately.

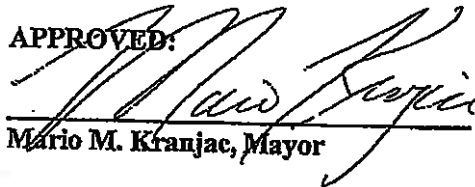
**I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A ADOPTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS ON DECEMBER 14, 2016**

ATTEST:



Lisette M. Duffy, RMC, Borough Clerk

APPROVED:



Mario M. Kranjac, Mayor

# EXHIBIT G

DATE: Sunday, July 5, 2015  
EDITION: AE  
SECTION: LOCAL  
PAGE: L02  
BYLINE: BY KIM LUEDDEKE, STAFF WRITER  
SOURCE: NJMG

## ENGLEWOOD CLIFFS OFFICER FACES DISCIPLINARY HEARING

ENGLEWOOD CLIFFS -- A borough police officer accused of violating departmental rules has denied any wrongdoing and is expected to have a hearing on disciplinary charges.

Lt. Scott Mura, a 21-year veteran of the Englewood Cliffs police force, has been served preliminary notice of "disciplinary actions," according to a resolution approved by the Borough Council. Mura is entitled to have a hearing on those charges, which will be held in private unless he requests otherwise.

No hearing date has been set yet, Mura's attorney, Marcia Mitolo of Hackensack, said. She and her client have not yet discussed whether they want a public hearing, she said.

Mitolo declined to say what the allegations against her client are or discuss the charges against him.

"We deny any wrongdoing on his part," she said.

Police Chief Michael Cioffi has also declined to discuss Mura's case, referring all questions to the attorney representing the Police Department in the matter, Raymond Wiss. Wiss has not returned calls for comment.

Borough Attorney Carter Corriston Sr. said that Mura was charged with violating departmental rules and regulations and that an investigation was initiated after Cioffi filed complaints against him. Corriston also declined to discuss the specifics of the case.

Mura is a former chairman of the local police union. He was out on sick leave last year, according to borough documents, but Mitolo said he has since returned to work.

Retired judge Robert R. Guida has been retained to preside over Mura's hearing at a rate of \$350 per hour. When his appointment came before the council for a vote last month, the three Republicans on the council opposed it, while the three Democrats voted for it. Mayor Joseph Parisi Jr., a Democrat, broke the tie.

Councilman Nunzio Consalvo, one of the three who voted against appointing Guida, said he did so "because I feel that the officer is a great officer." He added, "I don't see why they're faulting him for what he's done."

Consalvo would not say what Mura had been charged with, but said there were a "number" of allegations.

KEYWORDS: PUBLIC SAFETY: POLICE OFFICERS AND DEPARTMENTS, TOWN1: ENGLEWOOD CLIFFS; VIOLATION  
BIOGRAPHY: SCOTT MURA  
ID: 49289215  
STORYNAME: discipline0705