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October 3, 2019

**VIA ECOURTS**

**Honorable Christine A. Farrington, J.S.C.**

Bergen County Superior Court

10 Main Street, 3<sup>rd</sup> Floor

Hackensack, NJ 07601

**RE: In the Matter of the Application of the Borough of Englewood Cliffs,  
County of Bergen; Docket No.: BER-L-6119-15**

Dear Judge Farrington:

Please accept this letter in response to Sylvan's letter, dated October 2, 2019 objecting to the Boroughs request for clarification. The Borough arranged for the July 10, 2019 public meeting for the express purpose of making a presentation to the public and advancing the settlement process. As the Master can attest, everybody knew we were preparing to make this presentation. Moreover, everyone recognized the importance of the presentation since the Borough made clear that it wanted to eliminate any possible perception that the authorization to sign an agreement or adopt an ordinance was a rubber stamp procedure where the public's concerns would be meaningless. Indeed, just hours before the public meeting, Sylvan forbade the Borough's professionals from presenting to the public the detailed negotiated concept plan appended to the MOU and forced the professionals to present the public a concept plan we had never seen much less agreed upon. Simply put, Sylvan strong armed the Borough and put us in a difficult position of showing something or showing nothing at all.

Even though the Borough made a public presentation to advance the settlement process, Sylvan relied on the video of the July 10, 2019 meeting and quoted from the meeting to oppose the Borough's motion concerning immunity and to advance its motion to revoke. The Borough vigorously objected in its reply brief and at oral argument.

Sylvan makes much of the fact that the Court stated that it would not consider the statement of the Mayor. However, just because the Court did not consider the Mayor's statement does not answer what the Court did consider. The July 10, 2019 video contains far more than just the statements of the Mayor including but not limited to statements from the undersigned and other Borough professionals.

I wrote the letter and presented a proposed order on behalf of the Borough not to advocate. Rather, we merely sought clarification as to what the Court considered so the record is clear. The

Borough has no way of knowing what the record is upon which the Court based its ruling. All we seek is clarification. We would respectfully submit that this is a completely reasonable and, indeed, necessary request.

Thank you for your consideration of this request.

Respectfully submitted,



Jeffrey R. Surenian

Enclosure

cc: Mary Beth Lonergan, PP/ AICP (*via email*)  
Thomas Carroll, III, Esq. (*via email*)  
Antimo Del Vecchio, Esq. (*via email*)  
Kevin Walsh, Esq. (*via email*)  
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