

NEW BUSINESS

INTRODUCTION OF ORDINANCE

Ordinance No. 10-23-1402 – Amend Chapter 263-43, Schedule XII: Bus Stops

10. Motion at 7:44 P.M. by Council Member Brennan and seconded by Council Member Cleary to introduce Ordinance No. 10-23-1402 - Amend Chapter 263-43, Schedule XII: Bus Stops on first reading by title only.

Roll Call: Yes – Unanimous Motion adopted.

11. Council Member Brennan read the title:

AMEND CHAPTER 263-43, SCHEDULE XII: BUS STOPS

(Ordinance in full on page 182A.)

12. Resolution by Council Member Brennan and seconded by Council Member Savas:

BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill in the County of Bergen and State of New Jersey, that Ordinance No. 10-23-1402, entitled:

AMEND CHAPTER 263-43. SCHEDULE XII: BUS STOPS

does now pass on first reading and remain on file with the Borough Clerk for public inspection until public hearing thereon and further consideration thereof.

Such hearing shall be held at the Borough Hall in Cresskill on Wednesday, December 1, 2010 at 7:30 P.M., or as soon thereafter as it can be reached, at which time and place all persons interested in said ordinance will be heard.

The Borough Clerk is hereby directed to publish said ordinance in full, with the notice of hearing thereon, in an official newspaper according to law, also to mail copies of said ordinance when and as required by law.

Roll Call: Yes – Unanimous Resolution adopted.

13. Mayor Romeo said this ordinance is for new bus stops on Madison Avenue.

14. Borough Clerk Nasuto explained all items on the Consent Agenda.

CONSENT AGENDA

NEW BUSINESS

*Resolutions

15. WHEREAS, the Recreation Committee has scheduled various programs; and

WHEREAS, the participants are not able to attend;

NOW, THEREFORE, BE IT RESOLVED that the recreation fees be returned to:

Joel Rosenblatt
1444 Windsor Road
Teaneck, NJ 07666
Amount: \$145.00

Laura Gautier
92 New York Avenue
Bergenfield, NJ 07621
Amount: \$145.00

16. BE IT RESOLVED, that the Mayor and Council, of the Borough of Cresskill wish to enter into a grant agreement with the County of Bergen for the purpose of using a \$175,000.00 grant award from the 2009 Funding Round of the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the project entitled Third Street Recreational Complex Basketball Courts located in Block 39, Lot(s) 21 on the tax maps of the Borough of Cresskill;

BE IT RESOLVED, that the Mayor and Council hereby authorize Mayor Benedict Romeo to be a signatory to the aforesaid grant agreement CONTRACT; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Chief Financial Officer Harold E. Laufeld, III to sign all County of Bergen Payment Vouchers submitted in conjunction with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognize that the Borough of Cresskill is liable for a dollar for dollar match for any funds awarded in accordance with the Trust Fund’s requirements;

This resolution was adopted by the Mayor and Council of the Borough of Cresskill at a meeting on November 3, 2010.

17. Declaring the month of November “Pancreatic Cancer Awareness Month” in the Borough of Cresskill.

WHEREAS, in 2010, an estimated 43,140 people will be diagnosed with pancreatic cancer in the United States and 36,800 will die from the disease;

WHEREAS, pancreatic cancer is one of the deadliest cancers and is the fourth leading cause of cancer death in the United States;

WHEREAS, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 75 percent of pancreatic cancer patients die within the first year of the their diagnosis while 94 percent of pancreatic cancer patients die within the first five years;

WHEREAS, incidence of pancreatic cancer is approximately 50 percent higher in African Americans than in other ethnic groups;

WHEREAS, approximately 1130 deaths will occur in New Jersey;

WHEREAS, there is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years;

WHEREAS, the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only 2 percent of the National Cancer Institute’s federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

WHEREAS, the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Cresskill and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer;

WHEREAS, the Pancreatic Cancer Action Network and its affiliates in Cresskill support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure;

WHEREAS, the good health and well-being of the residents of Cresskill are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council designate the month of November, 2010 "Pancreatic Cancer Awareness Month" in the Borough of Cresskill.

18. BE IT RESOLVED, by the Mayor and Council of the Borough of Cresskill that the following transfers be made in the 2010 budget appropriations:

CURRENT ACCOUNT

	<u>Account</u>	<u>From</u>	<u>To</u>
Snow Removal – S/W	290-010	2,500.00	
Shade Tree Commission – O/E	300-020		2,500.00
Recreation – O/E	370-020	10,000.00	
Recreation – S/W	370-010		10,000.00
Recreation – O/E	370-020	2,000.00	
Celebration of Public Events	420-020		2,000.00
Liability Insurance	210-020	5,000.00	
Tax Assessment – O/E	150-020		5,000.00
Board of Health – O/E	330-020	200.00	
PEOSHA – Hepatitis "B" Inoculations	331-020		200.00
Tax Collection – O/E	145-020	4,000.00	
Tax Assessment – O/E	150-020		4,000.00
Computerized Data Processing	140-020	5,000.00	
Legal – O/E	155-020		5,000.00
Engineering – O/E	165-020	6,000.00	
Planning Board – O/E	180-020		6,000.00
Natural Gas	446-020	5,000.00	
Tax Assessment – O/E	150-020		5,000.00
Landfill Disposal Costs	465-020	27,000.00	
Sewer System – O/E	455-020		27,000.00
Landfill Disposal Costs	465-020	36,000.00	
Gasoline	460-020		36,000.00
Streets and Road – O/E	290-020	17,000.00	
Vehicle Maintenance	315-020		17,000.00
Total		119,700.00	119,700.00

19. Chapter 159 Resolution – Amendment to 2010 Budget

WHEREAS, N.J.S.A. 40:A4-87 provides that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the budget of any County or Municipality when such item shall have been available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amounts;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Cresskill requests the Director of Division of Local Government Services to approve the

insertion of an Item of Revenue in the 2010 Budget in the sum of \$2,155.79 which is now available as a revenue from State and Federal Grants off-set by revenue;

BE IT FURTHER RESOLVED, that a like sum of \$2,155.79 and the same is hereby appropriated under the caption

General Appropriations
Operations Excluded from CAPS
State and Federal Programs Offset by the Revenues
State of New Jersey – Body Armor Grant

20. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the following be approved for part time seasonal help as Laborers in the Public Works Department at a salary of \$11.00 per hour effective November 1, 2010:

Christopher Karach
James McSorley
Joseph Yanette

21. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the Borough has the option to renew all shared service agreements with the County of Bergen for 2011.

22. WHEREAS, DEVONSHIRE ASSOCIATES, L.P is the taxpayer of real estate known as Block 82, Lot 11 and better known as 100 Union Avenue, Cresskill, New Jersey; and

WHEREAS, DEVONSHIRE ASSOCIATES, L.P. has made application to the Tax Court of New Jersey to have the assessments of the property listed above adjusted; and

WHEREAS, the parties to said action have agreed upon an adjustment of the assessments; and

WHEREAS, the parties have agreed that to the extent permitted by law, that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to and a final disposition of this matter for the tax years 2010 and 2011; and

WHEREAS, the Mayor and Council are satisfied that, all things considered, the settlement, as set forth below, is reasonable;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the adjustments of the assessment of the property specified below be and is hereby ratified as follows:

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>		
82	11	100 Union Avenue		
<u>Year: 2008</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>		<u>Requested Tax Court Judgment</u>
LAND	\$ 1,800,000	DIRECT		\$ 1,800,000
IMPROVEMENTS	<u>\$ 2,078,600</u>	APPEAL		<u>\$ 1,700,000</u>
	\$ 3,878,600			\$ 3,500,000
<u>Year: 2009</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>		<u>Requested Tax Court Judgment</u>
LAND	\$ 1,800,000	DIRECT		\$ 1,800,000
IMPROVEMENTS	<u>\$ 2,078,600</u>	APPEAL		<u>\$ 950,000</u>
TOTAL	\$ 3,878,600			\$ 2,750,000

BE IT FURTHER RESOLVED that the adjustment pursuant to N.J.S.A. 54:51A-8 (Freeze Act) of the assessment of the property specified below be and is hereby ratified as follows:

<u>Year: 2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$1,800,000	DIRECT	\$ 1,800,000
IMPROVEMENTS	<u>\$1,300,000</u>	APPEAL	<u>\$ 950,000</u>
TOTAL	\$3,100,000		\$ 2,750,000

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 54:51A-8 (Freeze Act) that the assessment for the property specified above be set and is hereby ratified as follows:

<u>Year: 2011</u>	<u>Original Assessment</u>
LAND	\$1,800,000
IMPROVEMENTS	<u>\$ 950,000</u>
TOTAL	\$2,750,000

BE IT FURTHER RESOLVED that Morrison Mahoney LLP be, and hereby are, authorized to execute the Stipulation of Settlement memorializing the settlement of the matter on behalf of the Borough of Cresskill; and

BE IT FURTHER RESOLVED the proper officials be, and hereby are, authorized to make the necessary adjustments to the assessment.

23. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following November 2010 payroll be ratified and approved:

November 5, 2010

Current Fund	\$ 224,186.83
Social Security/Medicare	8,885.69
Community Center	<u>1,584.65</u>
	\$ 234,657.17

24. APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MADISON AVENUE & VETERAN'S SQUARE STREETSCAPE IMPROVEMENTS

WHEREAS, the FY 2011 New Jersey Transportation Trust Fund Authority Act has provided funds for various municipal improvements; and

WHEREAS, the Borough of Cresskill and County of Bergen will be entering into an Inter-Local Services Agreement for the design and construction of the Madison Avenue, Piermont Road, Cresskill Avenue and Grant Avenue Intersection Improvement and the Borough of Cresskill wishes to include a streetscape component as part of this project;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council, Borough of Cresskill, formally approves the grant application for the above stated project;

BE IT FURTHER RESOLVED that the Borough Engineer and Clerk are hereby authorized to submit an electronic grant application identified as MA-2011-Cresskill-00693 to the New Jersey Transportation on behalf of the Borough of Cresskill;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Cresskill and their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

25. APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE GRANT AVENUE IMPROVEMENTS – SECTION 2

WHEREAS, the FY 2011 New Jersey Transportation Trust Fund Authority Act has provided funds for various municipal improvements; and

WHEREAS, the Mayor and Council of the Borough of Cresskill have appropriate funding for the improvement of a portion of Grant Avenue and wishes to submit an application to the New Jersey Department of Transportation in an effort to obtain grant funding for the continuation of the said improvements;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council, Borough of Cresskill, formally approves the grant application for the above stated project;

BE IT FURTHER RESOLVED that the Borough Engineer and Clerk are hereby authorized to submit an electronic grant application identified as MA-2011-Cresskill-00695 to the New Jersey Transportation on behalf of the Borough of Cresskill;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Cresskill and their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

26. WHEREAS, N.J.S.A. 54:4-3.30 permits 100% Disabled Veterans exemption; and

WHEREAS, an application must be in writing by the claimant and submitted on Form PTD to the Tax Assessor's office supported with documents to substantiate all necessary qualifications; and

WHEREAS, Anthony Magno, having satisfied the above, and determined to be a 100% disabled veteran, is entitled to 100% exemption for 2009 effective August 13, 2010:

Block 158, Lot 15
Anthony & Maria Magno
104 South Street
Cresskill, NJ 07626

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Tax Collector is directed to adjust the property taxes for Block 158, Lot 15 assessed to Anthony & Maria Magno and cancel 2010 4th quarter taxes in the amount of \$3,178.00.

27. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the firm of J. A. Martin & Co., 38 Roseland Avenue, Roseland, NJ 07068 be retained as consultant for shared services study between Cresskill and Demarest at a fee not to exceed \$5,000. The contract will be awarded without competitive bidding as a professional service under provisions of the Local Public Contract Law. This appointment is in accordance with N.J.S.A. 19:44A-20.8 in that where required the appointee has filed with the Borough a Business Entity Disclosure Certification.

Miscellaneous Business

28. Approve the following Raffle Licenses:

RL 1302	American Special Childrens Pilgrimage Group	April 16, 2011
RL 1303	American Legion Post 21 Camp Merritt	Jan. 1, - Dec. 31, 2011

REMARKS FROM MEMBERS OF THE PUBLIC CONCERNING THE CONSENT AGENDA ONLY [Reported by Deputy Borough Clerk Patricia A. McKim.]

29. Council Member Savas asked Recreation Director Barbara Mann if we took a fee out of the recreation refunds because there is a cost to us. Mrs. Mann said that it had not been approved as of yet. Mayor Romeo said charging fees for canceling a class is on the next COW agenda.

Jean Quinn, 34 Glenview Terrace said she thought we were using Open Space funds in regard to Resolution #2 (#16). Mayor Romeo said we are, but also applying for grants to use less of the Open Space funds.

Richard Calabrese, 42 Engle Street asked how there can be a tax refund in regard to Resolution #8 (#22) for the year 2011 when we're still in 2010. CFO Laufeld explained that it's the agreement for 2011, so the taxes are frozen at the 2009 level.

Mrs. Rooney asked what number bus the ordinance is for. Borough Clerk Nasuto said the 753 New Milford-Paramus bus.

No one else wished to be heard.

30. Motion by Council Member Savas and seconded by Council Member Olmo to close the meeting to remarks on agenda items.

Roll Call: Yes - Unanimous Motion adopted.

31. Motion by Council Member Savas and seconded by Council Member Brennan to consider all items marked with an asterisk as a single question.

On the question: The Borough Clerk announced that copies of all items marked with an asterisk have been posted in the Borough Hall and made available to the public.

Roll Call: Yes – Unanimous Motion adopted.

32. Motion by Council Member Savas and seconded by Council Member Brennan to adopt all items with an asterisk as a single question.

Roll Call: Yes - Unanimous Motion adopted.

PRESENTATION OF BILLS

33. Resolution by Council Member Olmo and seconded by Council Member Savas:

(Resolution in full on pages 188A through 188C.)

Roll Call: Yes – Unanimous Resolution adopted.

REMARKS FROM THE PUBLIC FOR THE GOOD AND WELFARE OF THE BOROUGH [Reported by Deputy Borough Clerk Patricia A. McKim.]

34. Jean Quinn said this is the 2nd year there is no increase to Social Security. As a community is there something we can do for our senior citizens like freeze their taxes for a year. Mayor Romeo said we cannot legally freeze their taxes and it would be discriminatory. If someone is in need and our Social Services Director finds they qualify, we can make funds available from our Good Will Fund. Mrs. Schultz would deal with it very discreetly. Ms. Quinn asked if something could be put in the newsletter. Mrs. Nasuto said our Senior Center Director keeps an eye out on many of our seniors, not just the club members. If someone is having a problem she lets us know. Mayor Romeo said the Good Will Fund is available to any resident in need. Council Member Mueller said there's been talk there may be some stimulus relief for senior citizens.

Pauline Rooney, 5 Tenakill Park Drive East asked when Dunkin Donuts would be opening. Administrator Vaccaro said they had to go before the Planning Board again for their signage.

No one else wished to be heard.

35. Motion by Council Member Savas and seconded by Council Member Olmo to close the meeting to remarks from the public.

Roll Call: Yes – Unanimous Motion adopted.

36. Resolution by Council Member Brennan and seconded by Council Member Savas:

RESOLVED that pursuant to Subsection 7(b) of the Open Public Meetings Act the public can be excluded from a public meeting so that proceedings can be conducted in closed session and the Mayor and Council now intending to discuss:

pending or anticipated litigation involving Cresskill;

personnel matters involving employment, appointment, termination, evaluation, discipline or promotion of Cresskill personnel; Police

negotiations involving employees of Cresskill;

protection of the safety of public property;

matters which, if disclosed, would work an unwarranted invasion of privacy;

purchase or lease of real property;

deliberations after a public hearing that may result in the imposition of a penalty or loss or suspension of a license or permit;

matters which, if disclosed, would impair a right to receive United States Government funds;

matters rendered confidential by Federal or State law;

this meeting shall be continued in closed session and the discussion in closed session shall be disclosed to the public upon taking final action thereon, provided disclosure shall not release the attorney-client privilege or constitute an undue invasion of privacy.

RESOLVED further that it is now anticipated, the Mayor and Council reserve the right to return to open session upon conclusion of the closed session.

Roll Call: Yes - Unanimous. Resolution adopted.

37. Motion at 8:00 P.M. by Council Member Savas and seconded by Council Member Brennan to adjourn the meeting.

Roll Call: Yes - Unanimous. Motion adopted.

38. Motion at 8:52 P.M. by Council Member Savas and seconded by Council Member Brennan to reopen the meeting.

Roll Call: Yes - Unanimous. Motion adopted.

39. Resolution by Council Member Brennan and seconded by Council Member Savas:

WHEREAS, charges of violations of Borough Ordinances, the Cresskill Employee Policy Manual and the Rules and Regulations of the Cresskill Police Department, were filed against Brad Levitzki, an officer of the Cresskill Police Department; and

