

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

NOVEMBER 4, 2015

1. Harold Laufeld led the Salute to the Flag and Pledge of Allegiance.
2. The Borough Clerk announced that this is a Regular Meeting of the Mayor and Council of which at least 48 hours' notice has been given by posting in the Borough Hall, publication in The Record and delivery to all members of the governing body.
3. Mayor Romeo called the meeting to order at 7:36 P.M.
4. Present: Council Members Cleary, Mueller, Olmo, Savas, Spina, Tsigounis
Also Present: Attorney Salvatore, Borough Officials Laufeld, McKim, Mann, Chief Wrixon
5. Motion by Council Member Mueller and seconded by Council Member Cleary to approve the minutes of the Mayor and Council Regular meeting of October 21, 2015.

Roll Call: Yes – Unanimous

Motion adopted.

COMMUNICATIONS

6. Minutes of the following meetings:

Library Board of Trustees
Planning Board

September 21, 2015
October 13, 2015

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Savas said that Trunk or Treat on Halloween was a big success. The Community Center outside bathrooms have been fitted with electronic locks so they automatically unlock and lock at designated times. The front doors have also been rekeyed. We are getting two estimates for the gutters to fix the ongoing ice problem in the winter.
Municipal Alliance is sponsoring a dance on 11/28 for the Middle School kids and in December for the High School kids.

Council Member Olmo said the DPW is busy with leaf pickup. We ask that you do not block the roadway with leaf piles.

Congratulations to Mayor Romeo and Council Members Mueller and Savas for their reelections yesterday.

Council Member Cleary said he saw the crossing guard at the corner of Union and Dogwood have a close call with a passing car.

UNFINISHED BUSINESS

ORDINANCE ON FINAL READING

Bond Ordinance No. 15-09-1477 Land Acquisition – Block 169, Lot 20

8. Motion at 7:40 PM by Council Member Spina and seconded by Council Member Olmo to introduce Bond Ordinance No. 15-09-1477 – Land Acquisition - Block 169, Lot 20 on final reading by title only.

Roll Call: Yes – Council Members Cleary, Mueller, Olmo, Savas, Spina, Tsigounis
 No – None
 Absent – None
 Abstain – None
 Motion adopted.

9. Council Member Spina read the title:

“BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE CONSERVATION AND RECREATION PURPOSES IN, BY AND FOR THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$500,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS”

(Bond Ordinance in full on pages 139A through 139B in Minutes of Regular Mayor and Council Meeting held October 21, 2015.)

10. The Borough Clerk announced the Ordinance was published in The Record on October 23, 2015, posted in Borough Hall, and copies made available to the public.
11. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
12. No one wished to be heard.
13. Motion by Council Member Spina and seconded by Council Member Cleary to close the public hearing.

Roll Call: Yes – Council Members Cleary, Mueller, Olmo, Savas, Spina, Tsigounis
 No – None
 Absent – None
 Abstain – None
 Motion adopted.

14. Resolution by Council Member Spina 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. 15-09-1477, entitled:

“BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE CONSERVATION AND RECREATION PURPOSES IN, BY AND FOR THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$500,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS”

pass its second and final reading, is hereby adopted and shall be published according to law.

Roll Call: Yes – Council Members Cleary, Mueller, Olmo, Savas, Spina, Tsigounis
 No – None
 Absent – None
 Abstain – None
 Resolution adopted.

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

CONSENT AGENDA

NEW BUSINESS

*Resolutions

16. WHEREAS, the following permits have been issued under Sections 132-91 and 132-27 of the Code of the Borough of Cresskill and cash bonds deposited therefor; and

WHEREAS, the Superintendent of Public Works has inspected the work and found it to meet all requirements of the applicable Section;

NOW, THEREFORE, BE IT RESOLVED that the proper officials be and hereby are directed to return the bonds held under the following permits:

<u>Code Sec.</u>	<u>Permit #</u>	<u>Name</u>	<u>Amount</u>
132-91	4084	Keith Brigley 6 Cherry Court Cresskill, NJ 07626	\$50.00
132-91	4087	Elizabeth Ailes 218 Truman Drive Cresskill, NJ 07626	\$50.00
132-91	4094	Edgar & Helga Seitz 205 10 th Street Cresskill, NJ 07626	\$50.00
132-91	4098	A. Macchione Brothers, Inc. 71 South Newman Street Hackensack, NJ 07601 <i>(for: 439 Lafayette Street)</i>	\$50.00
132-91	4099	A. Macchione Brothers, Inc. 71 South Newman Street Hackensack, NJ 07601 <i>(for: 189 10th Street)</i>	\$50.00
132-91	4101	Rosendo Umali 29 Crest Drive North Cresskill, NJ 07626	\$50.00
132-91	4103	Rosemary McGuire 310 Brookside Avenue Cresskill, NJ 07626	\$50.00
132-27	4097	Hickory Acres Landscaping 145 Hickory Lane Closter, NJ 07624 <i>(for: 122 Elm Street)</i>	\$100.00

17. WHEREAS, 105 Union Avenue, LLC is the taxpayer of real estate designated as Block 71, Lot 3 on the official tax map of the Borough of Cresskill and better known as 105 Union Avenue, Cresskill, New Jersey; and

WHEREAS, 105 Union Avenue, LLC has made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for tax year 2015; and

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

WHEREAS, the Mayor and Council are satisfied that after proper review and analysis the settlement, as set forth below, is reasonable and in the Borough's best interests;

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

<u>Block</u> 71	<u>Lot</u> 3	<u>Street Address</u> 105 Union Avenue	
<u>Year: 2015</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 787,500	N/A	\$ 787,500
IMPROVEMENTS	<u>\$ 1,113,900</u>	<u>N/A</u>	<u>\$ 912,500</u>
TOTAL	\$ 1,901,400	N/A	\$ 1,700,000

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 adjustment to the assessment.

18. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Tax Collector be, and hereby is, authorized to effect the following tax refund due to Stipulation of Settlement on property assessment for Block 210, Lot 16 for 2013 and 2014:

	<u>2013</u>	<u>2014</u>
Original Assessment:	\$1,328,900.00	\$1,328,900.00
Tax Court Judgment:	\$1,250,000.00	\$1,250,000.00
Decrease in Assessment:	\$ 78,900.00	\$ 78,900.00
Tax Rate:	<u>2.413</u>	<u>2.482</u>
Tax Refund:	\$ 1,903.86	\$ 1,958.30
Total:	<u>\$ 3,862.16</u>	

Check to: Douglas M. Standriff, Esq.
Attorney Trust Account
60 West Ridgewood Avenue
Ridgewood, NJ 07450
(for: 191 Hoover Drive)

19. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Tax Collector be, and hereby is, authorized to effect the following tax refund due to Stipulation of Settlement on property assessment for Block 211, Lot 9 for 2012, 2013 and 2014:

	<u>2012</u>	<u>2013</u>	<u>2014</u>
Original Assessment:	\$1,852,500.00	\$1,852,500.00	\$1,852,500.00
Tax Court Judgment:	\$1,575,000.00	\$1,575,000.00	\$1,575,000.00
Decrease in Assessment:	\$ 277,500.00	\$ 277,500.00	\$ 277,500.00
Tax Rate:	<u>2.324</u>	<u>2.413</u>	<u>2.482</u>
Tax Refund:	\$ 6,449.10	\$ 6,696.08	\$ 6,887.55
Total:	<u>\$ 20,032.73</u>		

Check to: Donald J. Lenner, Esq.
 Attorney Trust Account
 2200 Fletcher Avenue, Suite 508
 Fort Lee, NJ 07024
(for: 193 Truman Drive)

20. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that James McSorley be approved for part time seasonal help as Laborer in the Public Works Department at a salary of \$11.50 per hour effective November 2, 2015.
21. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following October 2015 payroll be ratified and approved:

October 30, 2015

Current Fund	\$ 300,433.41
Social Security/Medicare	11,497.12
Community Center	2,878.66
Library	<u>11,531.25</u>
	\$ 326,340.44

22. Chapter 159 Resolution – Amendment to 2015 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 2015 Budget in the sum of \$2,352.27 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 \$2,352.27 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

Motions

23. Approve application of Andrew Dean as Junior Fireman to the Cresskill Fire Department.

Miscellaneous Business

24. Approve the following Raffle License:

RL 1373 Academy of St. Therese HSA Feb.1, 2016 – May 31, 2016
(Drawings on Mondays)

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

25. Richard Calabrese, 42 Engle Street asked why there are no addresses on Resolutions #3 (#18) and #4 (#19). Borough Clerk Nasuto said the addresses are referenced at the bottom of the resolutions.

No one else wished to be heard.

26. Motion by Council Member Mueller and seconded by Council Member Cleary to close the meeting to remarks on agenda items.

Roll Call: Yes - Unanimous Motion adopted.

27. Motion by Council Member Mueller and seconded by Council Member Cleary 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.

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

Roll Call: Yes - Unanimous Motion adopted.

PRESENTATION OF BILLS

29. Resolution by Council Member Olmo and seconded by Council Member Cleary:

(Resolution in full on pages 151A through 151E.)

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.]

30. Mr. Calabrese said they need a weight limit sign on Engle Street because the dump trucks coming from Tenafly use Engle Street as a short cut numerous times a day. Mayor Romeo said they will talk to Kevin about the sign tomorrow.

Chief Wrixon said the Police have been checking Engle Street for residents parking on the street overnight.

No one else wished to be heard.

31. Motion by Council Member Mueller and seconded by Council Member Cleary to close the meeting to remarks from the public.

Roll Call: Yes – Unanimous Motion adopted.

32. Resolution by Council Member Savas and seconded by Council Member Cleary:

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; Personnel Hearing
- 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 although not 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.

33. Motion at 7:53 P.M. by Council Member Mueller and seconded by Council Member Cleary to adjourn the meeting.

Roll Call: Yes - Unanimous. Motion adopted.

34. Motion by Council Member Mueller and seconded by Council Member Savas to reopen the meeting to the public.

Roll Call: Yes – Unanimous. Motion adopted.

35. Resolution by Council Member Cleary and seconded by Council Member Savas:

WHEREAS, pursuant to *N.J.S.A. 40A:14-118*, the governing body of a municipality is empowered to create and establish, as an executive and enforcement function of municipal government, a police department; and,

WHEREAS, the Cresskill Police Department has been created pursuant to said statute; and,

WHEREAS, pursuant to *N.J.S.A. 40A:14-118*, the Chief of Police is the head of the police force and controls hours and schedules of police dispatchers; and

WHEREAS, the Chief of Police has recommended that Joseph Bruttomesso's employment as dispatcher be terminated.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that Joseph Bruttomesso be and is hereby terminated as a police department dispatcher.

Roll Call: Yes – Unanimous.

Resolution adopted.

36. Motion at 8:25 P.M. by Council Member Mueller and seconded by Council Member Cleary to adjourn the meeting.

Roll Call: Yes - Unanimous.

Motion adopted.

Benedict Romeo
Mayor

Barbara A. Nasuto
Borough Clerk