

COMMUNICATIONS

12. Minutes of the following meeting:

Environmental Commission

February 17, 2011

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

13. Council Member Tsigounis said she and Council Member Olmo are making progress on the 12th Street Field House and should have drawings for review soon.

Council Member Olmo said he attended the Board of Health meeting and they are going to request an increase in the dog and cat licensing fees to cover our costs. They have scheduled the first week of November for the flu shots and residents will have to sign up as there will only be 150 vaccines available.

Council Member Cleary said he will be attending the JIF meeting Thursday night.

Council Member Mueller said he was happy Brian Oliver was sworn in tonight and thanked the Police for choosing an excellent candidate. We were pleased to meet him, he made a great impression and hope he'll be a great addition to the Police force for many years to come.

UNFINISHED BUSINESS

ORDINANCE ON FINAL READING

Ordinance No. 11-02-1404 – 2011 “CAP” Ordinance to exceed the Municipal Budget Appropriation Limits and to establish a CAP Bank (N.J.S.A.40A:4-45.14)

14. Motion at 8:12 PM by Council Member Olmo and seconded by Council Member Cleary to introduce “CAP” Ordinance to exceed the Municipal Budget Appropriation Limits and to establish a CAP Bank (N.J.S.A.40A:4-45.14) on final reading by title only.

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

15. Council Member Olmo read the title:

2011 “CAP” ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
 APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
 (N.J.S.A.40A:4-45.14)

(Ordinance in full on page 40A of Minutes of Regular
 Mayor and Council Meeting held March 2, 2011.)

16. The Borough Clerk announced that the ordinance was published in The Press Journal on March 3, 2011, posted in the Borough Hall, and copies made available to the public.
17. Mayor Romeo opened the meeting to the public. [Reported by Borough Clerk Barbara A. Nasuto.]
18. No one wished to be heard.

19. Motion by Council Member Olmo and seconded by Council Member Cleary to close the public hearing.

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

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

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. 11-02-1404, entitled:

2011 “CAP” ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
 APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
 (N.J.S.A.40A:4-45.14)

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

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

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

CONSENT AGENDA

NEW BUSINESS

*Resolutions

22. 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 71, Lot 3 for 2008 and 2009:

	<u>2008</u>	<u>2009</u>
Original Assessment:	\$1,845,000.00	\$1,845,000.00
Tax Court Judgment:	\$1,745,000.00	\$1,600,000.00
Decrease in Assessment:	\$ 100,000.00	\$ 245,000.00
Tax Rate:	<u>2.101</u>	<u>2.214</u>
Tax Refund:	\$ 2,101.00	\$ 5,424.30
 Total:	 <u>\$ 7,525.30</u>	

Check to: Michael I. Schneck
 Trustee for 105 Union Ave., LLC
 Schneck Law Group LLC
 301 South Livingston Avenue
 Suite 105
 Livingston, NJ 07039

23. 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 refunds due to overpayment of taxes:

<u>TAX PERIOD</u>	<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
4 th Qtr 2009	86	126	Mr. & Mrs. Stephen Foy 22 Center Street Cresskill, NJ 07626 <i>(Re: 22 Center Street)</i>	\$ 2,412.00
1 st Qtr 2011	91.04	9	The Settlement Offices, Inc. 1424 Easton Road Suite 100A Horsham, PA 19044 <i>(Re: 23 North Pond Road)</i>	\$10,293.00

24. RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF CRESSKILL AND AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$3,340,500 BOND ANTICIPATION NOTE, DATED MARCH 11, 2011 AND PAYABLE MARCH 9, 2012 AS A ‘QUALIFIED TAX-EXEMPT OBLIGATION’ PURSUANT TO SECTION 265 (b) (3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Cresskill, in the County of Bergen, New Jersey (the ‘‘Borough’’) from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the ‘‘Code’’), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough intends to issue a \$3,340,500 bond anticipation note, dated March 11, 2011 and payable March 9, 2012 (the ‘‘Note’’); and

WHEREAS, the Borough desires to designate the Note as a ‘‘qualified tax-exempt obligation’’ pursuant to Section 265 (b) (3) of the Code;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Cresskill, in the County of Bergen, New Jersey as follows:

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a “qualified tax-exempt obligation” for the purpose of Section 265 (b) (3) of the Code.

SECTION 4. It is hereby determined and stated that said Note (1) is not a “private activity bond” as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2011.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2011.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265 (b) (3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2011 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was adopted by the following roll call vote:

Ayes:

Nays:

25. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following March 2011 payroll be ratified and approved:

March 11, 2011

Current Fund	\$ 250,841.24
Social Security/Medicare	12,252.80
Community Center	<u>1,326.58</u>
	\$ 264,420.62

26. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that full-time employment of Caitlin Hull, as Adult Services Librarian, effective March 8, 2011, be verified at annual salary of \$52,000.
27. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that Claudia Mann be approved for part time employment at the Community Center at the rate of \$8.00 an hour, effective immediately.
28. BE IT RESOLVED that the following applications for Filling Station Licenses for the year 2011 be and hereby are granted, having been approved by the proper officials:

<u>OPERATOR</u>	<u>TRADING AS</u>	<u>ADDRESS</u>
Bawa Oil Inc.	Delta	108 Piermont Road
Circle Auto 02	Lukoil	229 Knickerbocker Road

29. 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 301, Lot 3 for 2009 and 2010:

	<u>2009</u>	<u>2010</u>
Original Assessment:	\$1,705,000.00	\$1,705,000.00
Tax Court Judgment:	\$1,265,400.00	\$1,265,400.00
Decrease in Assessment:	\$ 439,600.00	\$ 439,600.00
Tax Rate:	<u>2.214</u>	<u>2.300</u>
Tax Refund:	\$ 9,732.74	\$ 10,110.80
Total:	<u>\$ 19,843.54</u>	

Check to: Steven D. Muhlstock, Esq.
Gittleman, Muhlstock & Chewcaskie, LLP
2200 Fletcher Avenue
9W Office Center
Fort Lee, NJ 07024

30. WHEREAS, Joseph P. and Cheryl Ann Napoletano are the taxpayers of real estate designated as Block 301, Lot 6 on the official tax map of the Borough of Cresskill and better known as 14 Jackson Drive, Cresskill, New Jersey; and

WHEREAS, Joseph P. and Cheryl Ann Napoletano have made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for tax year 2010; and

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

WHEREAS, the parties have agreed upon an assessment of the property listed below for tax year 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 assessments of the property specified below be and is hereby ratified as follows:

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>	
301	6	14 Jackson Drive	
<u>Year: 2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
	\$ 671,300	DIRECT	\$ 671,300
	\$ 756,300	APPEAL	<u>\$ 428,700</u>
	\$ 1,427,600		\$ 1,100,000

BE IT FURTHER RESOLVED that the 2011 assessment of the property specified above be and is hereby ratified as follows:

<u>Year: 2011</u>	<u>Original Assessment</u>
	\$ 671,300
	<u>\$ 128,700</u>
	\$ 800,000

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.

31. WHEREAS, CNL Retirement/Sunrise Assisted Living #905 is the taxpayer of real estate designated as Block 41, Lot 1.05 on the official tax map of the Borough of Cresskill and better known as 3 Tenakill Park Drive East, Cresskill, New Jersey; and

WHEREAS, CNL Retirement/Sunrise Assisted Living #905 has made application to the Tax Court of New Jersey to have the assessments of the property listed above adjusted for tax years 2006, 2007, 2008 and 2009; and

WHEREAS, the plaintiff has agreed to withdraw the appeals for tax years 2006 and 2008; and the parties have further agreed to revised assessments for tax years 2007 and 2009; and

WHEREAS, the parties have agreed as a condition of the settlement for tax year 2007 under the Docket No. 003000-2007 that prejudgment interest shall be waived provided that the tax refund, if any, is paid within sixty (60) days from the date of the Tax Court Judgment; and

WHEREAS, the parties have agreed as a condition of the settlement of tax year 2009 under the Docket No. 004989-2009 that prejudgment is hereby waived on any overpayment and resulting refund due and that the 2009 refund is to be in the form of a credit which will be applied towards the next quarter tax bill due; and

WHEREAS, the parties have agreed, to the extent permitted by law, that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) would be applicable to and a final disposition of this matter for 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 assessments of the property specified below be and is hereby ratified as follows:

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>	
41	1.05	3 Tenakill Park Drive East	
<u>Year: 2007</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 4,404,000	DIRECT	\$ 4,404,000
IMPROVEMENTS	\$45,289,700	APPEAL	\$33,096,000
TOTAL	\$49,693,700		\$37,500,000
<u>Year: 2009</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 4,404,000	DIRECT	\$ 4,404,000
IMPROVEMENTS	\$25,596,000	APPEAL	\$23,996,000
TOTAL	\$30,000,000		\$28,400,000

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.

32. WHEREAS, Merritt Realty LLC. is the taxpayer of real estate designated as Block 28.01, Lot 1 on the official tax map of the Borough of Cresskill and better known as 80 Merritt Avenue, Cresskill, New Jersey; and

WHEREAS, Merritt Realty LLC has made application to the Tax Court of New Jersey to have the assessments of the property listed above adjusted for tax years 2009 and 2010; and

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

WHEREAS, the parties have agreed upon assessment of the property listed above for tax year 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 assessments of the property specified below be and is hereby ratified as follows:

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>		
28.01	1	80 Merritt Avenue		
<u>Year: 2009</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>		<u>Requested Tax Court Judgment</u>
LAND	\$ 256,700	DIRECT		\$ 256,700
IMPROVEMENTS	\$ 81,100	APPEAL		\$ 23,300
TOTAL	\$ 337,800			\$ 280,000
<u>Year: 2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>		<u>Requested Tax Court Judgment</u>
LAND	\$ 256,700	DIRECT		\$ 256,700
IMPROVEMENTS	\$ 81,100	APPEAL		\$ 23,300
TOTAL	\$ 337,800			\$ 280,000

BE IT FURTHER RESOLVED that the 2011 assessment of the property specified above be and is hereby ratified as follows:

<u>Year: 2011</u>	<u>Original Assessment</u>
LAND	\$ 256,700
IMPROVEMENTS	\$ 23,300
TOTAL	\$ 280,000

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.

33. WHEREAS, Sonali Plaza, Inc. is the taxpayer of real estate designated as Block 73.01, Lot 47 on the official tax map of the Borough of Cresskill and better known as 180 Piermont Road, Cresskill, New Jersey; and

WHEREAS, Sonali Plaza, Inc. has made application to the Tax Court of New Jersey to have the assessments of the property listed above adjusted for tax years 2009 and 2010; and

WHEREAS, the parties to said action have agreed upon an adjustment of the assessment for tax year 2009; and

WHEREAS, the parties have further agreed to the current assessment for tax year 2010; and

WHEREAS, the parties have further agreed upon an assessment of the property listed above for tax year 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 assessments of the property specified below be and is hereby ratified as follows:

<u>Block</u> 73.01	<u>Lot</u> 47	<u>Street Address</u> 180 Piermont Road		
<u>Year: 2009</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>		<u>Requested Tax Court Judgment</u>
LAND	\$ 1,180,000	DIRECT		\$ 1,180,000
IMPROVEMENTS	<u>\$ 536,000</u>	APPEAL		<u>\$ 420,000</u>
TOTAL	\$ 1,716,000			\$ 1,600,000
<u>Year: 2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>		<u>Requested Tax Court Judgment</u>
LAND	\$ 1,180,000	DIRECT		\$ 1,180,000
IMPROVEMENTS	<u>\$ 336,300</u>	APPEAL		<u>\$ 336,300</u>
TOTAL	\$ 1,516,300			\$ 1,516,300

BE IT FURTHER RESOLVED that the 2011 assessment of the property specified above be and is hereby ratified as follows:

<u>Year: 2011</u>	<u>Original Assessment</u>
LAND	\$ 1,180,000
IMPROVEMENTS	<u>\$ 170,000</u>
TOTAL	\$ 1,350,000

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.

34. WHEREAS, Elias Karlis and Stephanie Sapaskis are the taxpayers of real estate designated as Block 87, Lot 184 on the official tax map of the Borough of Cresskill and better known as 18 Oak Street, Cresskill, New Jersey; and

WHEREAS, Elias Karlis and Stephanie Sapaskis have made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for tax year 2010; and

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

WHEREAS, the parties have agreed upon an assessment of the property listed below for tax year 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 assessments of the property specified below be and is hereby ratified as follows:

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>	
87	184	18 Oak Street	
<u>Year: 2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 341,000	DIRECT	\$ 341,000
IMPROVEMENTS	\$ 70,700	APPEAL	\$ 24,000
TOTAL	\$ 411,700		\$ 365,000

BE IT FURTHER RESOLVED that the 2011 assessment of the property specified above be and is hereby ratified as follows:

<u>Year: 2011</u>	<u>Original Assessment</u>
LAND	\$ 301,000
IMPROVEMENTS	\$ 24,000
TOTAL	\$ 325,000

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.

35. WHEREAS, Sejal Medic, Inc. is the taxpayer of real estate designated as Block 80, Lot 14 on the official tax map of the Borough of Cresskill and better known as 29 East Madison Avenue, Cresskill, New Jersey; and

WHEREAS, Sejal Medic, Inc. has made application to the Tax Court of New Jersey to have the assessments of the property listed above adjusted for tax years 2009 and 2010; and

WHEREAS, the parties to said action have agreed upon an adjustment of the assessment for tax year 2009; and

WHEREAS, the parties have further agreed to the current assessment for tax year 2010; and

WHEREAS, the parties have further agreed upon an assessment of the property listed above for tax year 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 assessments of the property specified below be and is hereby ratified as follows:

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>	
80	14	29 East Madison Avenue	
<u>Year: 2009</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>

LAND	\$ 800,000	DIRECT	\$ 800,000
IMPROVEMENTS	<u>\$ 1,099,600</u>	APPEAL	<u>\$ 850,000</u>
TOTAL	\$ 1,899,600		\$ 1,650,000

<u>Year: 2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 800,000	DIRECT	\$ 800,000
IMPROVEMENTS	<u>\$ 709,200</u>	APPEAL	<u>\$ 709,200</u>
TOTAL	\$ 1,509,200		\$ 1,509,200

BE IT FURTHER RESOLVED that the 2011 assessment of the property specified above be and is hereby ratified as follows:

<u>Year: 2011</u>	<u>Original Assessment</u>
LAND	\$ 800,000
IMPROVEMENTS	<u>\$ 650,000</u>
TOTAL	\$ 1,450,000

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.

36. WHEREAS, Stergios Tallides is the taxpayer of real estate designated as Block 90.01, Lot 20 on the official tax map of the Borough of Cresskill and better known as 9 Loman Court, Cresskill, New Jersey; and

WHEREAS, Stergios Tallides has made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for tax year 2010; and

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

WHEREAS, the parties have agreed, to the extent permitted by law, that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) would be applicable to and a final disposition of this matter for tax year 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 assessments of the property specified below be and is hereby ratified as follows:

<u>Block</u> 90.01	<u>Lot</u> 20	<u>Street Address</u> 9 Loman Court	
<u>Year: 2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND:	\$ 718,000	DIRECT	\$ 718,000
IMPROVEMENTS:	<u>\$1,306,000</u>	APPEAL	<u>\$1,082,000</u>
TOTAL:	\$2,024,000		\$1,800,000

42. Motion by Council Member Olmo 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.

43. Motion by Council Member Olmo and seconded by Council Member Cleary to adopt all items with an asterisk as a single question.

Roll Call: Yes - Unanimous Motion adopted.

PRESENTATION OF BILLS

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

(Resolution in full on pages 60A through 60D.)

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.]

45. Mike Rosensweet, 285 Jefferson Avenue said on March 4th he put in an OPRA request for information regarding Recreation and the Community Center and has only received the information from Recreation. Who oversees the rules and regulations for utilizing the building and who do you speak with to request use of the building? Mayor Romeo said the Trustees make the policy which is approved by the Mayor and Council. You can submit a request to Barbara Mann or Mike Hamlett who will give it to the Trustees for their approval or disapproval and then it goes to the Mayor and Council. Mr. Rosensweet said he made a request for use and was turned down. Mayor Romeo said the Community Center is a work in progress and things have changed a few times. Mr. Rosensweet asked why the percentage split isn't the same for all programs. Mayor Romeo said all the programs are going to be 70/30, but if there is a program with a limited amount of people, we're going to make a special deal and possibly underwrite it to attract more people. Mr. Rosensweet gave his opinion on how he thinks the Community Center/Recreation programs can bring in more money and how the cost of some Recreation programs can be lowered by sharing the gym with a vendor. Mayor Romeo said our priority is the children of Cresskill, then the Cresskill schools and lastly the vendors. Council Member Olmo said Mr. Rosensweet's five minutes for remarks was up; and that the Mayor and Council does not need someone to tell us how to run our building or that we have no idea what we're doing. The Cresskill Community Center has never cost the residents a dime and has supported itself. You have a choice of being a vendor or a Recreation program. That's your business; you do not need to tell us how to run ours. Mayor Romeo said we will supply him with the rates and they will be the same for everyone. But if a vendor rents the facility for 100 days and you rent for only 20, they are going to get a better rate. That's a business decision, not discrimination.

No one else wished to be heard.

46. Motion by Council Member Olmo and seconded by Council Member Cleary to close the meeting to remarks from the public.

Roll Call: Yes – Unanimous Motion adopted.

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

