

INTRODUCTION OF ORDINANCE

Ordinance No. 15-03-1471 – 2015 “CAP” Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A 40A:4-45.14)

11. Motion at 7:47 PM by Council Member Mueller and seconded by Council Member Cleary to introduce Ordinance No. 15-03-1471 – 2015 “CAP” Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A.40A:4-45.14) on first reading by title only.

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

12. Council Member Mueller read the title:

2015 “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 37A.)

13. Resolution by Council Member Mueller 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. 15-03-1471, entitled:

2015 “CAP” ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
 APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
 (N.J.S.A. 40A:4-45.14)

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, April 1, 2015 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 – Council Members Cleary, Mueller, Savas, Spina, Tsigounis
 No - None
 Absent – Council Member Olmo
 Abstain – None
 Resolution adopted.

NEW BUSINESS

INTRODUCTION OF 2015 BUDGET

14. Resolution by Council Member Mueller and seconded by Council Member Cleary:

BE IT RESOLVED, that the following statement of revenues and appropriations attached hereto constitute the local Budget of the Borough of Cresskill, Bergen County, New Jersey for the year 2015.

BE IT FURTHER RESOLVED, that the said budget be published in the Record in the issue of March 27, 2015, and that a hearing on the Budget will be held at the Municipal Building on April 15, 2015 at 7:30 PM or as soon thereafter as the matter may be reached.

Introduced by: Council Member Mueller

Seconded by: Council Member Cleary

ATTEST

Approved: March 18, 2015

Borough Clerk

Mayor

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

(2015 Budget in full on pages 38A through 38III.)

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

CONSENT AGENDA

NEW BUSINESS

*Resolutions

16. 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 \$1,795,000 BOND ANTICIPATION NOTE AND A \$40,000 SPECIAL EMERGENCY NOTE, BOTH ISSUES DATED MARCH 6, 2015 AND PAYABLE MARCH 4, 2016, AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" 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 \$1,795,000 Bond Anticipation Note and a \$40,000 Special Emergency Note, both issues dated March 6, 2015 and payable March 4, 2016 (collectively, the 'Notes'); and

WHEREAS, the Borough desires to designate the Notes as "qualified tax-exempt obligations" 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 Notes) 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 Notes are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that said Notes (1) are not "private activity bonds" 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 2015.

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 Notes) during the calendar year 2015.

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 Notes and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2015 dated as of the date of delivery of the Notes.

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

17. WHEREAS, Legion Drive Associates is the taxpayer of real estate designated as Block 83, Lot 79 on the official tax map of the Borough of Cresskill and better known as 135 County Road, Cresskill, New Jersey; and

WHEREAS, Legion Drive Associates has made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for tax years 2013 and 2014; and

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

WHEREAS, the parties have agreed that the provisions on N.J.S.A.54:51A-8 (Freeze Act) shall not apply and the 2015 and 2016 assessed values will be \$850,000; 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>		
83	79	135 County Road		
<u>Year: 2013</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>		<u>Requested Tax Court Judgment</u>
LAND:	\$ 777,500	N/A		\$ 777,500
IMPROVEMENTS:	<u>\$ 392,200</u>	<u>N/A</u>		<u>\$ 122,500</u>
TOTAL:	\$1,169,700	N/A		\$ 900,000
<u>Year: 2014</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>		<u>Requested Tax Court Judgment</u>
LAND:	\$ 777,500	N/A		\$ 777,500
IMPROVEMENTS:	<u>\$ 392,200</u>	<u>N/A</u>		<u>\$ 122,500</u>
TOTAL:	\$1,169,700	N/A		\$ 900,000

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 that the proper officials be, and hereby are, authorized to make the necessary adjustment to the assessment.

18. WHEREAS, Legion Drive Associates is the taxpayer of real estate designated as Block 184, Lot 8 on the official tax map of the Borough of Cresskill and better known as Legion Drive, Cresskill, New Jersey; and

WHEREAS, Legion Drive Associates has made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for tax years 2013 and 2014; and

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

WHEREAS, the parties have agreed that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not apply and the 2015 and 2016 assessed values are \$1,510,000; 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>		
184	8	Legion Drive		
<u>Year: 2013</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>		<u>Requested Tax Court Judgment</u>
LAND:	\$ 902,400	N/A		\$ 902,400
IMPROVEMENTS:	<u>\$ 865,300</u>	<u>N/A</u>		<u>\$ 772,600</u>
TOTAL:	\$1,767,700	N/A		\$1,675,000

<u>Year: 2014</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND:	\$ 902,400	N/A	\$ 902,400
IMPROVEMENTS:	<u>\$ 865,300</u>	<u>N/A</u>	<u>\$ 687,600</u>
TOTAL:	\$1,767,700	N/A	\$1,590,000

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 that the proper officials be, and hereby are, authorized to make the necessary adjustment to the assessment.

19. WHEREAS, Legion Drive Associates is the taxpayer of real estate designated as Block 74, Lot 47.05 on the official tax map of the Borough of Cresskill and better known as 156 Piermont Road, Cresskill, New Jersey; and

WHEREAS, Legion Drive Associates has made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for tax year 2013; and

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

WHEREAS, the parties have agreed that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall apply to tax year 2014 only and there shall be an assessed value for 2015 and 2016 of \$725,000; 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>
74	47.05	156 Piermont Road

<u>Year: 2013</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND:	\$ 330,500	N/A	\$ 330,500
IMPROVEMENTS:	<u>\$ 539,500</u>	<u>N/A</u>	<u>\$ 454,500</u>
TOTAL:	\$ 870,000	N/A	\$ 785,000

Year: 2014 FREEZE ACT

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 that the proper officials be, and hereby are, authorized to make the necessary adjustment to the assessment.

20. WHEREAS, 350 Madison Avenue, LLC is the taxpayer of real estate designated as Block 27, Lot 69.01 on the official tax map of the Borough of Cresskill and better known as 350 Madison Avenue, Cresskill, New Jersey; and

WHEREAS, 350 Madison Avenue, LLC has made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for tax years 2013 and 2014; and

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

WHEREAS, the parties have agreed that the provisions on N.J.S.A.54:51A-8 (Freeze Act) shall not apply and there shall be an assessed value for 2015 and 2016 of \$1,700,000; 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> 27	<u>Lot</u> 69.01	<u>Street Address</u> 350 Madison Avenue	
<u>Year: 2013</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND:	\$ 809,600	N/A	\$ 809,600
IMPROVEMENTS:	<u>\$1,184,400</u>	<u>N/A</u>	<u>\$1,085,400</u>
TOTAL:	\$1,994,000	N/A	\$1,895,000
<u>Year: 2014</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND:	\$ 809,600	N/A	\$ 809,600
IMPROVEMENTS:	<u>\$1,184,400</u>	<u>N/A</u>	<u>\$ 969,900</u>
TOTAL:	\$1,994,000	N/A	\$1,779,500

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 that the proper officials be, and hereby are, authorized to make the necessary adjustment to the assessment.

21. BE IT RESOLVED, by the Mayor and Council of the Borough of Cresskill that the following transfers be made in the 2014 budget appropriation reserves:

CURRENT ACCOUNT

	<u>Account</u>	<u>From</u>	<u>To</u>
Tax Administration – O/E	150-020	3,500.00	
Financial Administration – O/E	130-020		3,500.00
Emergency Management – O/E	252-020	2,000.00	
Emergency Medical Service – O/E	260-020		2,000.00
Streets and Roads – O/E	290-020	12,000.00	
Streets and Roads – S/W	290-010	10,000.00	
Snow Removal – S/W	292-010		22,000.00
Total		27,500.00	27,500.00

22. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following March 2015 payroll be ratified and approved:

March 20, 2015

Current Fund	\$ 320,804.09
Social Security/Medicare	14,426.43
Community Center	2,339.89
Library	<u>12,045.35</u>
	\$ 349,615.76

23. WHEREAS, it is necessary to secure a permit from the New Jersey Department of Environmental Protection (NJDEP) for construction of sewer mains; and

WHEREAS, it is necessary to assure the NJDEP that the Borough of Cresskill consents to submission of the permit application in connection with the Pulte Homes of NJ, LLC application known as Willow Run, Block 88, Lot 1, that the existing sewers being connected have adequate conveyance capacity, that the permitted sewer will be and was constructed in accordance with the approval plans and specifications and that the Borough of Cresskill will operate and maintain these mains once constructed.

NOW, THEREFORE, BE IT RESOLVED that the Mayor or Borough Clerk is authorized to execute applications, on the recommendation of the Borough Engineer, and correspond with the NJDEP regarding applications for construction and operation of sewer mains.

BE IT FURTHER RESOLVED that the Borough Clerk shall forward a copy of this resolution to the Borough Engineer, Planning Board, Zoning Board of Adjustment, and the Superintendent of the Department of Public Works.

Motions

24. Appoint Joanna Kierce as Volunteer to the Cresskill Fire/Emergency Medical Services for a six-month probationary period.

Appoint Michael Kraus and Kevin Rice to the Cresskill Volunteer Fire Department effective immediately.

Miscellaneous Business

25. Approve the following Raffle License:

RL 1363 PTA Edward H. Bryan School April 17, 2015

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

26. No one wished to be heard.
27. Motion by Council Member Mueller and seconded by Council Member Savas to close the meeting to remarks on agenda items.

Roll Call: Yes - Unanimous Motion adopted.

28. 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.

29. Motion by Council Member Mueller 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

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

(Resolution in full on pages 44A through 44D.)

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.]

31. Rena Shindelman, 32 Florence Avenue said at a previous Council meeting you promised volunteers to assist senior citizens to dig out after snow storms. My husband had a doctor appointment and I called every Borough Dept. and nobody showed up. Mayor Romeo said he never promised volunteers. Hire somebody to shovel out your walkway. Mrs. Shindelman said she called seven landscapers during the storm and they were all too busy with their regular customers and she was waiting on the volunteers. Mayor Romeo advised she make arrangements with a landscaper before a storm starts. Mrs. Shindelman said the Borough Clerk told her she was the only one that called in need of that kind of assistance, so why couldn't the DPW show up? Mayor Romeo said we cannot use public resources for private properties.

No one else wished to be heard.

32. 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.

33. 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 - EMS

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;

