
CONSENT AGENDA

NEW BUSINESS

*Resolutions

10. 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 AN \$803,450 BOND ANTICIPATION NOTE AND AN \$80,000 SPECIAL EMERGENCY NOTE, BOTH ISSUES DATED MARCH 7, 2014 AND PAYABLE MARCH 6, 2015, 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 an \$803,450 Bond Anticipation Note and an \$80,000 Special Emergency Note, both issues dated March 7, 2014 and payable March 6, 2015 (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 2014.

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 2014.

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 2014 dated as of the date of delivery of the Notes.

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

11. Dedication by Rider for Outside Employment of Off-Duty Police Officers

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of certain revenues; and

WHEREAS, N.J.S.A. 40A:4-39 provides that a municipality may dedicate certain revenues in any budget when the character of the revenue is not subject to reasonably accurate estimate in advance by including in said budget a statement dedicating such revenues to the purpose or purposes for which they are received; and

WHEREAS, the Borough will receive funds from private persons or entities for costs associated with employment of off-duty police officers.

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

1. The Mayor and Council of the Borough of Cresskill does hereby request permission of the Director of the Division of Local Government Services to pay expenditures for outside employment of off-duty police officers in accordance with N.J.S.A. 40A:4-39.
2. The Borough Clerk is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

12. WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2013 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and indicate the assent of the Borough of Cresskill to the efforts undertaken by the

municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that Cresskill endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designates Andrew Vaccaro, 67 Union Avenue, to ensure that the said application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

13. WHEREAS, the Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant monies received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Cresskill that the Borough of Cresskill hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2013 in the amount of \$9,535.71. Documentation supporting this submission is available at 325 Piermont Road and shall be maintained for no less than five years from this date.

Tax reimbursement certified by:	Borough of Cresskill
Name of official:	Harold Laufeld
Title of official:	CFO/Treasurer

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

WHEREAS, the following participants are due refunds for various reasons;

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

Timothy Semenoro (for: Kate Semenoro) 78 Heatherhill Road Cresskill, NJ 07626 Amount: \$170.00	Michelle Coleman (for: Sophia Coleman) 121 Seventh Street Cresskill, NJ 07626 Amount: \$170.00
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15. APPROVE AN AMENDMENT TO THE RIVERSIDE COOPERATIVE AGREEMENT

WHEREAS, N.J.S.A. 40A:11-11 (5), specifically authorizes two or more contracting units to establish a Cooperative Pricing System for the provision and performance of goods and services and enter into a Cooperative Pricing Agreement for its administration; and

WHEREAS, the Borough of Haworth is conducting a voluntary Cooperative Pricing System with other contracting units; and

WHEREAS, this Cooperative Pricing System is to effect substantial economies in the provision and performance of goods and services; and

WHEREAS, the Riverside Cooperative Pricing System (I.D. #35-RCPS) has received approval from the State of New Jersey, Department of Community Affairs and the Borough of Cresskill is a member of the Riverside Cooperative Pricing System and has executed an agreement to this effect; and

WHEREAS, N.J.A.C. 5:34-7-19 (a) states that “an existing registered Cooperative Pricing System may add energy as a commodity to be purchased pursuant to the Electric Discount and Energy Completion Act (P.L. 1999, c.23) and the interim Government Energy Aggregation Program Standards promulgated by the Board of Public Utilities”; and

WHEREAS, it is the desire of all parties to amend such Agreement for the purpose of including energy as a good or service to be priced cooperatively.

NOW, THEREFORE, BE IT RESOLVED:

That the Administrative Agreement between the Borough of Cresskill and the Riverside Cooperative Pricing System (I.D. #35-RCPS), paragraph is hereby amended as follows:

1. That Section 1 of the Cooperative Purchasing Agreement shall be amended by adding “Energy” to the commodities that can be purchased on a cooperative basis.

BE IT FURTHER RESOLVED that said Agreement shall be amended accordingly.

BE IT FURTHER RESOLVED, that the Borough Clerk forward a copy of this resolution to the Borough of Haworth, the Lead Agency for the Riverside Cooperative Pricing System.

16. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the following persons be approved for part-time employment at the Community Center, effective immediately, at an hourly rate of \$7.25:

Anna Nina Pellicone
Alessandro DeCandia

17. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill that the Tax Collector be, and hereby is, authorized to effect the following tax refund to Corelogic for overpayment towards the redemption of Tax Sale Certificate 12-00002 for:

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
164	24	74 Morningside Avenue Cresskill, NJ 07626	\$15,196.19

Payable to: Corelogic

Mail to: Corelogic c/o Capital One
P.O. Box 961263
Ft. Worth, TX 76161

18. WHEREAS, redemption money has been received to redeem Tax Sale Certificate 12-00002, for Block 164, Lot 24, also known as 74 Morningside Avenue, in the amount of \$22,618.81; and

WHEREAS, a premium was received by the Borough in the amount of \$4,800.00 paid by the lien holder at the Tax Sale held November 29, 2012 and upon redemption is refunded the premium paid.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that, effective immediately, the amount of \$27,418.81 be paid to:

26. Motion by Council Member Olmo 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

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

(Resolution in full on pages 57A through 57D.)

Roll Call: Yes – Unanimous Resolution adopted.

28. Mayor Romeo read a letter from the principal of Academy of St. Therese of Lisieux thanking him and the Fire and Police Departments for their help in relocating their students when their heating system failed. (Letter attached)

REMARKS FROM THE PUBLIC FOR THE GOOD AND WELFARE OF THE BOROUGH [Reported by Borough Clerk Barbara A. Nasuto.]

29. Stephanie David, 19 Buckingham Road said she had two subjects to talk about. First, she asked if the Borough would approve the Merritt HSA 10K run on October 5, 2014. She was asked by Julie Balay, who is in charge of the event but could not come tonight. Chief Wrixon said he has been in touch with Ms. Balay concerning police manpower, etc. Mayor Romeo said we have approved it in the past with Chief Wrixon's recommendations.

Ms. David said we are a group of concerned parents of the school system. There is an increased number of students in the school. We are asking that a bigger percent of the property taxes be paid to the schools. Mayor Romeo explained how the schools get their money. They put together their budget and if they keep under 2% CAP and it is approved, we raise the money from taxes and give it to them. We are unable to give them more money than they ask for in the budget. He said that 90% of the school budget is for salaries and personnel.

Several residents were unaware that the school budget comprised almost 60% of their tax bill. The problem they have is not enough space. Councilman Olmo discussed class sizes of past grades.

Carlos Seiglie, 18 Lancaster Court discussed the allocation of the budget tax base and stated that investing in the quality of education of the Town was necessary to keep property values higher. He asked if out of our allocation we could contribute more. Councilman Olmo said we would have to decrease services to cut expenses.

Michael Salov, 4 Center Street questioned allowing more development in town that would increase the number of school kids. He mentioned the Daibes project and Willow Run. Mayor Romeo explained the zoning of the properties and the number of school children each project would generate. He said Willow Run was rezoned for townhouses but there has been no action to sell this property. Councilman Spina said that any development would go before the Planning Board or Zoning Board which would be public forums.

After much discussion of the overcrowding in the school and lack of enough space, Mayor Romeo said their course of action would be to go to the School Board and ask for a referendum to enlarge the school.

No one else wished to be heard.

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

Roll Call: Yes – Unanimous

Motion adopted.

31. Motion at 8:23 P.M. by Council Member Olmo and seconded by Council Member Cleary to adjourn the meeting.

Roll Call: Yes - Unanimous.

Motion adopted.

Benedict Romeo
Mayor

Barbara A. Nasuto
Borough Clerk