

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETINGMARCH 2, 2011

1. Administrator Vaccaro 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 Press Journal and The Record and delivery to all members of the governing body.
3. Mayor Romeo called the meeting to order at 7:44 P.M.
4. Present: Council Members Brennan, Cleary, Mueller, Olmo, Tsigounis
Also Present: Attorney Salvatore, Borough Officials Vaccaro, Laufeld, Chief Wrixon
Absent: Council Member Savas

COMMUNICATIONS

5. Minutes of the following meeting:

Planning Board

Feb. 22, 2011

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

6. Council Member Tsigounis said she attended the Senior Center Board of Trustees meeting and there is a strong interest in reestablishing the Historical Commission. At the Library Board meeting Director Rita Browning invited Margaret Shapiro of Demarest to give a Power Point presentation about the rules and responsibilities of Library Trustees. They also voted on a new Adult Librarian to replace Rita named Caitlin Hull.

Council Member Olmo said the Zoning Board had a request come in for a third floor addition at 31-39 Broadway which was denied. I'd like to commend Harold Laufeld for the great job he has done on this year's budget.

Council Member Cleary said he attended the last JIF meeting.

NEW BUSINESS

INTRODUCTION OF ORDINANCE

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)

7. Motion at 7:47 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 first reading by title only.

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

8. 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.)

9. Resolution by Council Member Olmo and seconded by Council Member Brennan:

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)

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, March 16, 2011 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 Brennan, Cleary, Mueller, Olmo, Tsigounis
 No - None
 Absent – Council Member Savas
 Abstain – None
 Resolution adopted.

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

CONSENT AGENDA

NEW BUSINESS

*Resolutions

11. WHEREAS, the following permit has been issued under Section 132-27 of the Code of the Borough of Cresskill and a cash bond 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 bond held under the following permit:

<u>Code Sec.</u>	<u>Permit #</u>	<u>Name</u>	<u>Amount</u>
132-27	3911	Mark Vangieri 109 Lexington Avenue Cresskill, NJ 07626	\$100.00

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

February 25, 2011

Current Fund	\$ 230,132.64
Social Security/Medicare	11,162.06
Community Center	<u>2,043.80</u>
	\$ 243,338.50

13. WHEREAS, soil permit applications were required for several properties; and

WHEREAS, escrow accounts were established for this work; and

WHEREAS, the work has been completed and inspected;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following refunds of Developer Escrow accounts be made:

<u>Account No.</u>	<u>Block</u>	<u>LotApplicant</u>	<u>Amount</u>
DE-015	54.01	62Luis Martin 21 Cedar Street	\$125.52
DE-029	1	1Adi Davidov 24 Woodland Road	\$286.02
DE-030	91.08	20Mufson Landscape & Design LLC 133 Piermont Road Norwood, NJ 07648 {for 123 Truman Drive}	\$286.02

14. 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 an overpayment of 1st Quarter 2011 Taxes of \$9,308.00 made by Insight Title Services LLC whose authorization allows payment to the homeowners: Terri and Lawrence Katz:

<u>BLOCK</u>	<u>LOT</u>	<u>Qualifier</u>	<u>Name</u>	<u>AMOUNT</u>
91.05	12		Terri and Lawrence Katz 28 McGrath Drive Cresskill, NJ 07626	\$ 9,308.00

Check to: Terri and Lawrence Katz
28 McGrath Drive
Cresskill, NJ 07626

15. WHEREAS, applications were made to the Planning Board and escrow money was deposited; and

WHEREAS, final inspections were made and certificates of occupancy were issued or property was sold.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following balances in Developer's Trust accounts be returned/or canceled to the following:

<u>Applicant</u>	<u>Acct. No.</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
George Makris 44 Jackson Drive	DE-1155	301	11	\$126.72

Keila Ravelo (Cancel to Borough)	DE-1399	91.10	2	\$278.30
Howard & Nancy Brown 129 Truman Drive	DE-1566	91.08	21	\$616.75
31 Grove Street, LLC 113 Union Avenue {for 122 Phelps Ave.}	DE-1582	151	27	\$232.75
Rudy Rezzadeh 439 Brenner Place Alpine, NJ 07620 {for 51 Legion Drive}	DE-1591	178	19.01	\$60.15
{for 61 Legion Drive}	DE-1592	178	22.01	\$111.17
Yong Ha Koh 2 Leighton Street Englewood Cliffs 07632 {for 356 Concord St.}	DE-1593	115	1	\$332.04
Sunil S. Lulla 205 Vaccaro Drive	DE-1621	91.09	9	\$21.50
Greg Wolfer (G&C Invest.) 48 Kennedy Drive	DE-1633	208	7	\$410.25
Donald Levy 186 Hoover Drive	DE-1634	211	24	\$200.00
Joseph Diasparra 15 Woodland Road Demarest, NJ 07627 {for 53 Heather Hill Rd.}	DE-1637	1.03	45	\$188.02
Yongsung Construction LLC 269 County Road Tenafly, NJ 07670 {for 28 Phelps Ave.}	DE-1657	154	35	\$146.00
Mamo Home Improvements PO Box 60 Cresskill, NJ 07626 {for 180 11 th St.}	DE-1659	145	303	\$252.00

16. RESOLUTION IN OPPOSITION TO S-2664 A-3766 – “MARKET COMPETITION AND CONSUMER CHOICE ACT

WHEREAS, this act would fundamentally alter the regulation of telephone and cable television service in New Jersey; and

WHEREAS, A3766/S2664 changes are so sweeping it deserves deliberate review and analysis, and must not be fast-tracked; and

WHEREAS, among other things, A3766/S2664 limits the obligation of a cable company to provide cable and internet connections to municipal buildings. Currently all municipal buildings are eligible for this benefit but the bill would limit the obligation to just one municipal building; and

WHEREAS, A3766/S2664 would eliminate the requirement that cable companies provide basic service and internet to municipal buildings and schools at no charge; and

WHEREAS, A3766/S2664 does not require the cable companies to provide a return feed to allow cable-casting of live municipal events and meetings; and

WHEREAS, A3766/S2664 would reduce the franchise fee payable by certain cable companies that have converted from a traditional franchise to a system-wide franchise; and

WHEREAS, A3766/S2664 does not require cable companies to meet or surpass any existing line extension policy or to meet any applicable consumer protection requirements, all of which are required by the current law; and

WHEREAS, the proposed verification process for determining whether a company is operating in a “competitive franchise area” is inadequate; and

WHEREAS, the proposed process for renewal of a system-wide franchise must be corrected to require that the renewal be under the same terms and conditions as the original franchise; and

WHEREAS, A3766/S2664 eliminates the right of a municipality operating under a municipal-consent based franchise to petition the BPU for a higher franchise fee;

NOW, THEREFORE, BE IT RESOLVED; that the Borough of Cresskill calls on the legislature to amend S-2664 A-3766 to ensure that all the commitments of NJSA 48:5A-28 be provided (a) upon application for a system-wide franchise (b) upon a renewal of a system-wide franchise and (c) upon conversion of a municipal-consent based franchise to a system-wide franchise; and

BE IT FURTHER RESOLVED; that the Borough of Cresskill strongly urges the legislature to oppose A3766/S2664 until such amendments are made and there has been an opportunity for all stakeholders to fully analyze the impact of these proposals and determine the fiscal impact of the bill on municipalities throughout the state; and

BE IT FURTHER RESOLVED; that copies of this resolution be forwarded to Governor Christie, our State Senator, our Representative in the General Assembly and the New Jersey League of Municipalities.

17. Resolution Designating the Month of March as “Women’s History Month”

WHEREAS, New Jersey women of every race, class and ethnic background have made historic contributions to the growth and strength of our State in countless recorded and unrecorded ways;

WHEREAS, New Jersey women have played and continue to play a critical economic, cultural and social role in every sphere of the life of the State by constituting a significant portion of the labor force working inside and outside of the home;

WHEREAS, New Jersey women have played a unique role throughout the history of the State by providing the majority of the volunteer labor force of the State;

WHEREAS, New Jersey women were particularly important in the establishment of early charitable, philanthropic and cultural institutions in our State;

WHEREAS, New Jersey women of every race, class and ethnic background served as early leaders in the forefront of every major progressive social change movement;

WHEREAS, New Jersey women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement and other movements, especially the peace movement, which create a more fair and just society for all;

WHEREAS, despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history; and

WHEREAS, the Department of Community Affairs, specifically the Division on Women's goals are to remember and celebrate New Jersey women and to:

- Ensure that New Jersey women are offered equal opportunities in education, the workforce and healthcare regardless of age, sexual orientation, income, ethnicity, race or religion.
- Identify, implement, measure and coordinate programs that address the needs of New Jersey women.
- Engage in continuous study and research on issues affecting New Jersey women and their families, develop policy papers and legislative recommendations.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill, State of New Jersey, that March 2011 is designated as "Women's History Month" under the National Women History Project's 2011 theme: *Our History is Our Strength*.

Miscellaneous Business

18. Approve the following Raffle Licenses:

RL 1309	Cresskill Education Foundation, Inc.	April 25, 2011
RL 1310	HSA St. Therese School	April 9, 2011
RL 1311	HSA St. Therese School	April 9, 2011

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

19. No one wished to be heard.

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

Roll Call: Yes - Unanimous Motion adopted.

21. Motion by Council Member Olmo 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.

22. Motion by Council Member Olmo 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

23. Resolution by Council Member Olmo and seconded by Council Member Brennan:

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

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.]

24. Edward Rashba, 5 Center Street said they have an issue with cars speeding down his block. They're not residents; they are people using it as a thoroughfare. Commercial and residential vehicles cut through to avoid the Union Avenue light. I've discussed this with Mr. Vaccaro and Chief Wrixon who offered to take this up with the appropriate traffic officer. I think the best resolution would be for the professionals to somehow make it local traffic only. Mayor Romeo said this has been an ongoing problem for a long time. Lieutenant Cebulski will do a traffic count and we'll see what we can do about some kind of signage. Chief Wrixon said we can't stop people from using a public street, but we can do something if they're speeding. Lt. Cebulski is attending a traffic meeting this month and will ask who has had a similar problem and how they dealt with it.

William Zally, 24 Milton Street said the owner of the Horizon Square Mall has replaced the fence, but I think it's the wrong fence. I don't believe the owner is aware of the ordinance about buffering. He has put up a chain link fence and the car lights shine into my house. I told the owner's employee that he has to give me some buffer in the form of bushes or slats in the fence. Mayor Romeo said he believes the Developer's Agreement calls for a solid fence. Mr. Zally said that slats would be alright with him. Mr. Zally said he also cut down part of the fence, parallel to Campoli's, from 6' to 4', which I think may be illegal. Mayor Romeo asked Mr. Vaccaro to look at the Developer's Agreement because that is what the owner has to abide by. Mr. Zally said the owner still has to enclose the dumpsters. Mayor Romeo said it will all be looked into tomorrow.

No one else wished to be heard.

25. Motion by Council Member Olmo and seconded by Council Member Brennan to close the meeting to remarks from the public.

Roll Call: Yes – Unanimous Motion adopted.

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

Roll Call: Yes - Unanimous. Motion adopted.

Benedict Romeo
Mayor

Barbara A. Nasuto
Borough Clerk