

8. Motion at 7:39 PM by Council Member Brennan and seconded by Council Member Cleary to introduce Bond Ordinance No. 11-06-1408 – Installation of Basketball Courts, Lighting and Soccer Field Lighting on final reading by title only.

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

9. Council Member Brennan read the title:

“BOND ORDINANCE TO AUTHORIZE THE CONSTRUCTION OF BASKETBALL COURTS, INCLUDING THE INSTALLATION OF LIGHTING AND THE INSTALLATION OF LIGHTING AT THE SOCCER FIELDS AT THIRD STREET RECREATIONAL COMPLEX IN, BY AND FOR THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$450,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE BOROUGH OPEN SPACE TRUST ACCOUNT FUNDS, 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 77K through 77L of Mayor and Council Regular Meeting held April 20, 2011.)

The Borough Clerk announced the Bond Ordinance was published in the The Record on April 22, 2011, posted in the Borough Hall, and copies made available to the public.

10. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
11. Mayor Romeo said we have advertised for bids for the lighting of Cook Field and the basketball courts located on 3rd Street.

No one else wished to be heard.

12. Motion by Council Member Brennan and seconded by Council Member Cleary to close the public hearing.

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

13. Resolution by Council Member Brennan 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. 11-06-1408, entitled:

“BOND ORDINANCE TO AUTHORIZE THE CONSTRUCTION OF BASKETBALL COURTS, INCLUDING THE INSTALLATION OF LIGHTING AND THE INSTALLATION OF LIGHTING AT THE SOCCER FIELDS AT THIRD STREET RECREATIONAL COMPLEX IN, BY AND FOR THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$450,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE BOROUGH OPEN SPACE TRUST ACCOUNT FUNDS, 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 Brennan, Cleary, Savas, Tsigounis
 No - None
 Absent – Council Members Mueller, Olmo
 Abstain – None
 Resolution adopted.

NEW BUSINESS

INTRODUCTION OF ORDINANCE

Ordinance No. 11-07-1409 – 2011 Salaries

14. Motion at 7:41 PM by Council Member Cleary and seconded by Council Member Brennan to introduce Ordinance No. 11-07-1409 – 2011 Salaries on first reading by title only.

Roll Call: Yes-Unanimous Motion adopted.

15. Council Member Cleary read the title:

AN ORDINANCE TO FIX THE SALARIES, WAGES AND
 COMPENSATION OF THE OFFICERS AND EMPLOYEES
 OF THE BOROUGH OF CRESSKILL - YEAR 2011

(Ordinance in full on pages 88A through 88E.)

16. Resolution by Council Member Cleary 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. 11-07-1409, entitled:

AN ORDINANCE TO FIX THE SALARIES, WAGES AND
 COMPENSATION OF THE OFFICERS AND EMPLOYEES
 OF THE BOROUGH OF CRESSKILL - YEAR 2011

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, May 18, 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-Unanimous Resolution adopted.

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

CONSENT AGENDA

NEW BUSINESS

*Resolutions

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 301, Lot 36 for 2009 and 2010:

	<u>2009</u>	<u>2010</u>
Original Assessment:	\$1,439,500.00	\$1,439,500.00
Tax Court Judgment:	<u>\$1,291,250.00</u>	<u>\$1,291,250.00</u>
Decrease in Assessment:	\$ 148,250.00	\$ 148,250.00
Tax Rate:	<u>2.214</u>	<u>2.300</u>
Tax Refund:	\$ 3,282.26	\$ 3,409.75
 TOTAL:	 <u>\$ 6,692.01</u>	

Check to: Davenport & Spiotti
Attorney at Law
219 Changebridge Road
Montville, NJ 07045
(for: 19 Adams 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 91.05, Lot 2 for 2009 and 2010:

	<u>2009</u>	<u>2010</u>
Original Assessment:	\$1,600,000.00	\$1,600,000.00
Tax Court Judgment:	<u>\$1,450,000.00</u>	<u>\$1,450,000.00</u>
Decrease in Assessment:	\$ 150,000.00	\$ 150,000.00
Tax Rate:	<u>2.214</u>	<u>2.300</u>
Tax Refund:	\$ 3,321.00	\$ 3,450.00
 TOTAL:	 <u>\$ 6,771.00</u>	

Check to: Davenport & Spiotti
Attorney at Law
219 Changebridge Road
Montville, NJ 07045
(for: 6 South Pond Road)

20. 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 119, Lot 32 for 2009 and 2010:

	<u>2009</u>	<u>2010</u>
Original Assessment:	\$ 395,600.00	\$ 395,600.00
Tax Court Judgment:	<u>\$ 345,600.00</u>	<u>\$ 345,600.00</u>
Decrease in Assessment:	\$ 50,000.00	\$ 50,000.00
Tax Rate:	<u>2.214</u>	<u>2.300</u>
Tax Refund:	\$ 1,107.00	\$ 1,150.00
 TOTAL:	 <u>\$ 2,257.00</u>	

Check to: William S. Winters, Esq.
Attorney at Law
199 Route 18 South
East Brunswick, NJ 08816
(for: 5 Emerson Street)

21. 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 91.08, Lot 19 for 2009 and 2010:

	<u>2009</u>	<u>2010</u>
Original Assessment:	\$2,739,300.00	\$2,739,300.00
Tax Court Judgment:	<u>\$2,600,000.00</u>	<u>\$2,600,000.00</u>
Decrease in Assessment:	\$ 139,300.00	\$ 139,300.00
Tax Rate:	<u>2.214</u>	<u>2.300</u>
Tax Refund:	\$ 3,084.10	\$ 3,203.90
 TOTAL:	 <u>\$ 6,288.00</u>	

Check to: Matthew Rankin, Jr. Attorney Trust Account
P.O. Box 881
Pinebrook, NJ 07058
(for: 117 Truman Drive)

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 82, Lot 42 for 2010:

	<u>2010</u>
Original Assessment:	\$ 945,000.00
Tax Court Judgment:	<u>\$ 845,000.00</u>
Decrease in Assessment:	\$ 100,000.00
Tax Rate:	<u>2.300</u>
Tax Refund:	\$ 2,300.00

Check to: Zipp & Tannenbaum, LLC
Attorney Trust Fund
166 Gatzmer Avenue
Jamesberg, NJ 08831
(for: 20 Washington Street)

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 refund due to Stipulation of Settlement on property assessment for Block 90, Lot 26 for 2009:

	<u>2009</u>
Original Assessment:	\$2,469,800.00
Tax Court Judgment:	<u>\$2,233,900.00</u>
Decrease in Assessment:	\$ 235,900.00
Tax Rate:	<u>2.214</u>
Tax Refund:	\$ 5,222.83

Check to: Williams S. Winters, Esq.
Attorney At Law
199 Route 18 South
East Brunswick, NJ 08816
(for: 200 Truman Drive)

24. 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 1.03, Lot 29 for 2009 and 2010:

	<u>2009</u>	<u>2010</u>
Original Assessment:	\$ 767,700.00	\$ 767,700.00
Tax Court Judgment:	<u>\$ 701,865.00</u>	<u>\$ 701,865.00</u>
Decrease in Assessment:	\$ 65,835.00	\$ 65,835.00
Tax Rate:	<u>2.214</u>	<u>2.300</u>
Tax Refund:	\$ 1,457.59	\$ 1,514.21
TOTAL:	<u>\$ 2,971.80</u>	

Check to: William S. Winters, Esq.
Attorney At Law
199 Route 18 South
East Brunswick, NJ 08816
(for: 4 Heather Hill Court)

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

WHEREAS, the participants are unable to attend;

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

Deborah Ruggiero
(for: Dane Ruggiero)
130 4th Street
Cresskill, NJ 07626
Amount: \$140.00

Diane Munier
(for: Nick & Luke Munier)
572 Knickerbocker Road
Cresskill, NJ 07626
Amount: \$30.00

26. BE IT RESOLVED, as recommended by the Municipal Pool Commission, that the following refund from the Municipal Swim Club Account be authorized:

Lawrence & Clara Soh
52 Gilmore Avenue
Cresskill, NJ 07626
Amount: \$45.00

27. RESOLUTION SUPPORTING A-3412 SHARING THE BURDEN OF PROPERTY ASSESSMENT APPEAL REFUNDS

WHEREAS, when County Tax Board appeals are granted the municipality must reimburse the property taxpayer 100% of the appealed tax levy, which includes the municipal, school, county and any special districts tax; and

WHEREAS, the municipal tax collector makes the adjustment from the appeal as a credit on the 4th quarter tax bill resulting in the municipality's fund balance for the preceding year to be diminished, if not completely depleted; and

WHEREAS, a recent League of Municipalities' survey has measured the extent to which residents have filed and won tax appeals in 2010; and

WHEREAS, one hundred fifty (150) municipalities, representing all both large and small municipalities in all 21 counties, that participated in the survey reported property value declines of more than \$87,900,000, which resulted from 19,788 tax appeals filed in 2010; and

WHEREAS, those responding to the survey indicated that 13,760 appeals were filed in 2009, compared to 19,788 in 2010, representing an increase of 43.7%; and

WHEREAS, a municipality often experiences an increase in tax appeals because they have conducted a revaluation, however, only 5 of the 150 municipalities, which

participated in our survey, indicated that their 2010 appeals resulted from revaluations; and

WHEREAS, as a way of comparison, 23 of the participating municipalities conducted revaluations in 2009, when fewer tax appeals were presented to the County Tax Boards; and

WHEREAS, the 2010 spike in appeals should be attributed to the economic down-turn, which lowered property values and placed increased stress on the income of homeowners, all around our Garden State; and

WHEREAS, the survey also indicated that in 2010 the various County Tax Boards have granted average property value reductions of close to \$5,000, per appeal; and

WHEREAS, fifty-six percent of those responding indicated that the successful tax appeals would have an impact on fund balances and place additional pressures on local officials during 2011; and

WHEREAS, although the survey was a snapshot picture in time, it can be used to project what might follow in 2011, since the reductions, which were granted by County Tax Boards in 2010, will have a multiplier effect when neighbors learn of their neighbor's tax reduction, which will likely increase the appeals and in the alternative, Tax Assessors could be forced to adjust property values, based upon the appeal information; and

WHEREAS, successful tax appeals have a three-fold negative impact on municipal budgets. First, the municipality, as the collector of taxes for the School district, county and special districts, must fund the full cost of the legal defense of the assessment.

Second, since State law guarantees to the county and the school district 100% of their levies, the municipality bears the full cost of any re-imbursements resulting from the appeal (as well as the full burden for any uncollected taxes). Third, the end result will be a further decline in the property tax base used to support Municipalities, County governments and School systems; and

WHEREAS, in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2% cap), such declining values will compound and add additional stress to local public officials, as they grapple with the issues confronting the tax paying public; and

WHEREAS, Assemblyman Carroll has recently introduced A-3412, which requires fire districts, school districts, and county governments to share in the burden of property assessment appeal refunds;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Cresskill hereby urge the swift passage and signing of A-3412; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

28. WHEREAS, Camp Merritt Post 21 of the American Legion has applied for a parade permit on Memorial Day, May 30, 2011, in accordance with the provisions of Section 230-67 of the Code of the Borough of Cresskill; and

WHEREAS, the said applicants appear to have met all requirements of the said code;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that a permit be issued to the Camp Merritt Post 21, American Legion, for a parade to commence at 10:00 AM on May 30, 2011, on the following route:

1. Assemble at Merritt Circle, 12th Street north and south of Madison Avenue, and Madison Avenue between Eleventh and Twelfth Streets.

2. After ceremonies at the Monument, parade will march east on Madison Avenue to Veterans Square, where the main ceremonies will be held.
3. At termination of ceremonies, parade will march east on Union Avenue to Washington Street, south to East Madison Avenue, and terminate at the American Legion parking lot.

BE IT FURTHER RESOLVED that the Camp Merritt Post 21, American Legion, shall determine the order and participants in the parade.

29. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the Mayor and Borough Clerk be, and hereby are, authorized to sign Agreement with Isaac Ben Avraham, 120 Engle Street regarding pool construction.
30. 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 184, Lot 8 for 2010:

2010

Original Assessment:	\$1,600,000.00
Tax Court Judgment:	<u>\$1,440,000.00</u>
Decrease in Assessment:	\$ 160,000.00
Tax Rate:	<u>2.300</u>
Tax Refund:	\$ 3,680.00

Check to: Beattie Padovano Trust Account
Beattie Padovano, LLC
50 Chestnut Ridge Road
Montvale, NJ 07645-0244
(for: 80 Legion Drive)

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

May 6, 2011

Current Fund	\$ 247,200.97
Social Security/Medicare	11,268.18
Community Center	<u>1,361.03</u>
	\$ 259,830.18

Motions

32. Appoint Casey Sanders to Cresskill Emergency Medical Services for a six-month probationary period.

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

33. No one wished to be heard.
34. Motion by Council Member Brennan and seconded by Council Member Cleary to close the meeting to remarks on agenda items.

Roll Call: Yes - Unanimous Motion adopted.

35. Motion by Council Member Brennan 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.

36. Motion by Council Member Brennan 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

37. Resolution by Council Member Brennan and seconded by Council Member Cleary:

(Resolution in full on pages 94A through 94D.)

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.]

38. Mayor Romeo asked Mr. Tiedemann to meet him before the upcoming Memorial Day Parade and provide him with the names of the Veterans who will be seated in front. Mr. Tiedemann asked if they could use the tent as they did last year for protection from the sun. Chief Wrixon said he will have it set up the morning of the parade.

Mayor Romeo asked Mr. Tiedemann what lights the American Legion are referring to that they have left over. Mr. Tiedemann said they received a complaint that the lights they installed were too bright. I don't know if it was the town that made them change to smaller lights. Mayor Romeo said he never heard anything about it until just recently.

Mayor Romeo asked Chief Wrixon if he has any information on Joseph Forsythe yet. Chief Wrixon said he is waiting on a call to go through Harrington Park's archives where Mr. Forsythe's family was from. Mayor Romeo said Mr. Forsythe was from Cresskill and is on our plaque in Veteran's Square. He died in a submarine attack in WWII and I want to honor him in my Memorial Day speech.

No one else wished to be heard.

39. Motion by Council Member Brennan and seconded by Council Member Cleary to close the meeting to remarks from the public.

Roll Call: Yes – Unanimous Motion adopted.

40. Resolution by Council Member Brennan 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; Police

personnel matters involving employment, appointment, termination, evaluation, discipline or promotion of Cresskill personnel;

negotiations involving employees of Cresskill;

protection of the safety of public property;

matters which, if disclosed, would work an unwarranted invasion of privacy;

