

INTRODUCTION OF ORDINANCE

Ordinance No. 11-08-1410 Amend Chapter 275 Zoning Article XXXV – Accessory Apartment Program

9. Motion at 7:40 PM by Council Member Olmo and seconded by Council Member Cleary to introduce Ordinance No. 11-08-1410 – Amend Chapter 275 Zoning Article XXXV – Accessory Apartment Program on first reading by title only.

Roll Call: Yes-Unanimous Motion adopted.

10. Council Member Olmo read the title:

AMEND CHAPTER 275, ZONING, ARTICLE XXXV
– ACCESSORY APARTMENT PROGRAM

(Ordinance in full on page 109A.)

11. 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. 11-08-1410, entitled:

AMEND CHAPTER 275, ZONING, ARTICLE XXXV
– ACCESSORY APARTMENT PROGRAM

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, July 13, 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.

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

CONSENT AGENDA

NEW BUSINESS

*Resolutions

13. GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Cresskill, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

Giulia Knopp
113 Paris Avenue
Northvale, NJ 07647
Amount: \$120.00

Marie Sarubbi
307 12th Street
Cresskill, NJ 07626
Amount: \$110.00

15. WHEREAS, 6 MADISON AVENUE ASSOCIATES, LLC (hereinafter referred to as the "Sponsor") proposes to construct a housing project consisting of twenty-eight (28) rental units, including six (6) affordable housing units (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines (the foregoing hereinafter referred to as the "HMFA Requirements") within the municipality of Cresskill (hereinafter referred to as the "Municipality") on a site described as Lots 1.02, 1.04, 1.04B, 2, 3 & 4, Block 41, as shown on the Official Assessment Map of the Borough of Cresskill, Bergen County and commonly known as 6 Madison Avenue, Cresskill, New Jersey; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the Agency; and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality; and

WHEREAS, the Sponsor has presented to the Municipal Council a revenue projection for the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Cresskill (the "Council") that:

- (1) The Council finds and determines that the proposed Project will meet or meets an existing housing need;
 - (2) The Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and
 - (3) The Council does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit "B"; and
 - (4) The Council hereby authorizes and directs the Mayor of the Borough of Cresskill to execute, on behalf of the municipality, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit "B"; and
 - (5) The Council understands and agrees that the revenue projections set forth in Exhibit "A" are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the municipality shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and municipality.
16. WHEREAS, applications have been made to the Mayor and Council of the Borough of Cresskill for renewal of liquor licenses and the proper fees have been paid therefor; and

WHEREAS, all applicants have complied with the laws of the State of New Jersey and ordinances of the Borough of Cresskill;

NOW, THEREFORE, BE IT RESOLVED that the following licenses be approved for the year commencing July 1, 2011 and ending June 30, 2012, subject to approval of the Police and Fire Departments:

PLENARY RETAIL CONSUMPTION LICENSE

Fee: \$1,320.00

The Hungry Peddler, Inc. Lic. No. 0208-33-005-008	The Hungry Peddler	470 Knickerbocker Road
DJN, Inc. Lic. No. 0208-33-006-005	Cresskill Tavern	29 E. Madison Ave., Unit #7
P.B.F.G.T., LLC Lic. No. 0208-33-007-011	Griffins	44 E. Madison Ave.
Umeya Corporation Lic. No. 0208-33-001-004	Umeya	156 Piermont Road

Topkapi II, Inc.
Lic. No. 0208-33-009-008

Samdan

178 Piermont Road

PLENARY RETAIL DISTRIBUTION LICENSE

Fee: \$828.00

Young's Cresskill Liquor, Inc.
Lic. No. 0208-44-004-005

Cresskill Liquor

21 Union Avenue

CLUB LICENSE

Fee: \$156.00

Camp Merritt Post #21
Lic. No. 0208-31-010-001

American Legion

75 Legion Drive

17. WHEREAS, the Mayor and Council of the Borough of Cresskill has adopted Ordinance 96-11-1146 enabling the municipality to participate in the Bergen County Community Development Program for 2011 through 2012; and

WHEREAS, this program requires a representative be appointed by the Council to represent the Borough on the Northern Valley Committee, having input into the funding recommendations made by that Committee.

NOW, THEREFORE, BE IT RESOLVED that Kevin Terhune be, and hereby is, appointed to serve as said representative, effective July 1, 2011 for term ending June 30, 2012.

NOW, THEREFORE, BE IT FURTHER RESOLVED that Andrew Vaccaro be, and hereby is appointed to serve as the Mayor's alternate, effective July 1, 2011 for term ending June 30, 2012.

18. WHEREAS, by resolution of the Mayor and Council, the Borough Clerk was authorized to advertise invitation to bidders in connection with the Cook Field Sports Lighting Project pursuant to Documents and Specifications entitled "Cook Field Sports Lighting Project," and

WHEREAS, after due advertisement, bids were received at Borough Hall on June 10, 2011 at 11:00 AM; and

WHEREAS, Quality Electrical Const. Co., 290 Laurel Avenue, West Keansburg, NJ 07734 submitted a bid in the amount of \$112,400.00, which appears to be the lowest responsible bid received; and

WHEREAS, the Superintendent of Public Works has reviewed the said bid compliance documents and is satisfied that the same can be accepted;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill, County of Bergen, and State of New Jersey, that the Cook Field Sports Lighting Project contract be awarded to Quality Electric Const. Co. and that the Mayor and Borough Clerk be, and hereby are, authorized to sign an agreement for same, subject to the following conditions:

1. Compliance with all provisions of the Notice to Bidders and applicable Plans and Specifications.
2. Execution of a contract.

AND BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Cresskill hereby waive any informality or irregularity in the bid of the Cook Field Sports Lighting Project.

19. WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnership Act of 1990, as amended; and

WHEREAS, the current Interlocal Services Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS, by July 8, 2011 each municipality must notify the Bergen County Division of Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS, it is in the best interest of the Borough of Cresskill and its residents to participate in said programs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that it hereby notifies the Bergen County Division of Community Development of its decision to be included as a participant municipality in the Urban County entitlement programs being the Community Development Block Grant Program and the HOME Investment Partnership Act Program for the Program Years 2012, 2013, 2014 (July 1, 2012 – June 30, 2015); and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Bergen County Division of Community Development no later than July 8, 2011.

20. WHEREAS, escrow money was deposited with the Borough of Cresskill by NJ CVS Pharmacy LLC for work done at 180 Piermont Road, Block 177, Lot 28.01 & 29; and

WHEREAS, the Borough Engineer has made final inspection and a certificate of occupancy was issued for this property; and

WHEREAS, the Borough Engineer has requested a Maintenance Bond of \$95,740.50 be posted from June 1, 2011 and ending on October 16, 2011 and an escrow of \$6,701.84 to remain in Developer's Escrow 014.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that in accordance with the Borough Engineer's letter of May 27, 2011, a refund of \$105,042.04 in Developer's Trust 014 be returned to NJ CVS Pharmacy LLC, One CVS Drive, Woonsocket, RI 02895.

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

June 17, 2011

Current Fund	\$ 233,963.02
Social Security/Medicare	11,535.47
Municipal Pool	5,960.60
Community Center	<u>1,426.74</u>
	\$ 252,885.83

22. Resolution to Approve the Corrective Action Plan for the Fiscal Year 2010
Audit Report of the Borough of Cresskill

WHEREAS, the Division of Local Government Services requires the Chief Financial Officer to file a "Corrective Action Plan" outlining the actions to be taken by the Borough relative to the findings and recommendations in the annual audit report; and

WHEREAS, the "Corrective Action Plan" shall be prepared by the Chief Financial Officer with assistance from other officials affected by the audit findings and recommendations; and

WHEREAS, the governing body is required by resolution, to approve said "Corrective Action Plan"; and

WHEREAS, the "Corrective Action Plan", as prepared by the Chief Financial Officer and approved by the Governing Body, shall be placed on file and made available for public inspection in the Borough Clerk's office;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Cresskill approves the "Corrective Action Plan" for the Fiscal Year 2010 Audit Report submitted by the Chief Financial Officer.

23. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill, that the tax assessor be and is hereby authorized to prepare specifications for bid for a reassessment of real property for the year 2012.

Motions

24. Appoint Trevor J.L. Foudy to Cresskill Fire Department.

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

25. No one wished to be heard.

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

Roll Call: Yes - Unanimous Motion adopted.

27. 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.

28. 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

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

(Resolution in full on pages 114A through 114D.)

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.]

30. Mayor Romeo announced the Spring Festival will be this Saturday at Cook Field on 3rd Street. Rec. Director Barbara Mann said they are having a mechanical bull this year.

Pauline Rooney, 5 Tenakill Park Drive East requested the status of demolishing Moosehead's. Mayor Romeo said we are very close, approximately 30 days. The area has been cleaned up and the Fire Dept. will be conducting some drills. In passing

Resolution #3 (#15), we can sign the agreement and the builder can apply for and we can issue the demolition permits.

No one else wished to be heard.

31. 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.

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

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 Hearing – Police

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;

this meeting shall be continued in closed session and the discussion in closed session shall be disclosed to the public upon taking final action thereon, provided disclosure shall not release the attorney-client privilege or constitute an undue invasion of privacy.

RESOLVED further that although not now anticipated, the Mayor and Council reserve the right to return to open session upon conclusion of the closed session.

Roll Call: Yes - Unanimous. Resolution adopted.

33. Motion at 7:48 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