

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

JUNE 16, 2010

1. Barbara Mann 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 7:37 P.M.
4. Present: Council Members Brennan, Cleary, Mueller, Olmo, Savas, Tsigounis
Also Present: Attorney Salvatore, Borough Officials Vaccaro, Laufeld, McKim, Mann, Chief Wrixon

COMMUNICATIONS

5. Minutes of the following meeting:

Planning Board

May 25, 2010

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

6. Council Member Savas said the Summer Recreation program has 350 children signed up and we are hiring counselors as needed. Barbara Mann met with the BOE and they sent a letter home with the kids and will send them in the future regarding the summer program. I went to the opening of the Greek festival in Tenafly in early June.

Council Member Cleary said there was a small accident with a fire truck. It hit the door of the fire house and cost less than \$1,000 to repair.

NEW BUSINESS

INTRODUCTION OF ORDINANCE

Bond Ordinance No. 10-15-1394 – Multi-purpose Bond Ordinance

7. Resolution by Council Member Olmo and seconded by Council Member Brennan to amend 2010 Capital Budget.

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

(Resolution in full on pages 102A through 102D.)

8. Council Member Olmo announced receipt of Supplemental Debt Statement.

(Supplemental Debt Statement in full on pages 102E through 102J.)

9. Motion at 7:41 PM by Council Member Olmo and seconded by Council Member Brennan to introduce Bond Ordinance No. 10-15-1394 – Multi-purpose Bond Ordinance on first reading by title only.

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

10. Council Member Olmo read the title:

“BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$586,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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 103A through 103F.)

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

BE IT RESOLVED that Ordinance 10-15-1394 entitled:

“BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$586,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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”

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 14th day of July, 2010, at 7:30 o'clock, P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Mayor and Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

No. 10-16-1395 – Amend Ordinance No. 10-09-1388 – Forward Planning Committee

12. Motion at 7:43 P.M. by Council Member Savas and seconded by Council Member Brennan to introduce Ordinance No. 10-16-1395 Amend Ordinance No. 10-09-1388 - Forward Planning Committee on first reading by title only.

Roll Call: Yes – Unanimous Motion adopted.

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

Karen Handy
(for: Julia Handy)
 116 12th Street
 Cresskill, NJ 07626
 Amount: \$110.00

Yukari Matsumoto
(for: Mayo Matsumoto)
 196 South Street
 Cresskill, NJ 07626
 Amount: \$125.00

Mi Hee Yi
(for: Jonathan Yi)
 214 Phelps Avenue
 Cresskill, NJ 07626
 Amount: \$175.00

18. 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, 2010 and ending June 30, 2011, 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
Piermont Plaza Associates, Inc. Lic. No. 0208-33-002-011		80 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
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CLUB LICENSE

Fee: \$156.00

Camp Merritt Post #21 Lic. No. 0208-31-010-001	American Legion	75 Legion Drive
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19. Chapter 159 Resolution – Amendment to 2010 Budget

WHEREAS, N.J.S.A. 40:A4-87 provides that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the budget of any County or Municipality when such item shall have been available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amounts;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Cresskill requests the Director of Division of Local Government Services to approve the insertion of an Item of Revenue in the 2010 Budget in the sum of \$1,012.78 which is now available as a revenue from State and Federal Grants off-set by revenue;

BE IT FURTHER RESOLVED, that a like sum of \$1,012.78 and the same is hereby appropriated under the caption

General Appropriations
Operations Excluded from CAPS
State and Federal Programs Offset by the Revenues
State of New Jersey – Body Armor Grant

20. Chapter 159 Resolution – Amendment to 2010 Budget

WHEREAS, N.J.S.A. 40:A4-87 provides that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the budget of any County or Municipality when such item shall have been available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amounts;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Cresskill requests the Director of Division of Local Government Services to approve the insertion of an Item of Revenue in the 2010 Budget in the sum of \$2,435.66 which is now available as a revenue from State and Federal Grants off-set by revenue;

BE IT FURTHER RESOLVED, that a like sum of \$2,435.66 and the same is hereby appropriated under the caption

General Appropriations
Operations Excluded from CAPS
State and Federal Programs Offset by the Revenues
Clean Communities Grant

21. A RESOLUTION TO AFFIRM THE BOROUGH OF CRESSKILL'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Borough of Cresskill to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act,

WHEREAS, the Mayor and Council of the Borough of Cresskill has determined that certain procedures need to be established to accomplish this policy;

NOW, THEREFORE BE IT ADOPTED by the Mayor and Council that:

Section 1: No official, employee, appointee or volunteer of the Borough of Cresskill by whatever title known, or any entity that is in any way of part of the Borough of Cresskill shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer or entity is engaged in or acting on behalf of the Borough of Cresskill's business or using the facilities or property of the Borough of Cresskill.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Cresskill to provide services that otherwise could be performed by the Borough of Cresskill.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Mayor and Council shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint, so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Mayor and Council shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Cresskill as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Mayor and Council shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Cresskill. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Cresskill's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough of Cresskill in order for the public to be made aware of this policy and the Borough of Cresskill's commitment to the implementation and enforcement of this policy.

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 for overpayment of 4th Quarter 2009 taxes to:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
91.08	22	Ms. Diana Matthew 174 Tenafly Road Tenafly, NJ 07670	\$24,236.00

*For: 135 Truman Drive
Cresskill, NJ 07626*

23. WHEREAS, GLORIA CAPPELLINI has made application to the Bergen County Board of Taxation to have the assessment of the property listed below adjusted; and

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

WHEREAS, the Mayor & Council are satisfied that, all things considered, the settlement, as set forth below, is not unreasonable;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the adjustment of the assessment of the property specified below be and is hereby ratified as follows:

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>
106	11	386 Concord Street

Year: 2010

	<u>Original Assessment</u>	<u>Settlement Assessment</u>
LAND	\$ 408,000	\$ 408,000
IMPROVEMENTS	\$ <u>461,900</u>	\$ <u>411,900</u>
TOTAL	\$ 869,900	\$ 819,900

BE IT FURTHER RESOLVED that Vincent M. Salvatore, Esq. and James Anzevino 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 the proper officials be, and hereby are, authorized to make the necessary adjustments to the assessment.

24. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following June 2010 payroll be ratified and approved:

June 18, 2010

Current Fund	\$ 230,061.60
Social Security/Medicare	10,405.86
Community Center	1,446.86
Municipal Pool	<u>4,923.64</u>
	\$ 246,837.96

Motions

25. Appoint Janet Tessaro to Board of Health for term ending December 31, 2010.
26. Appoint Carmen Cristantiello to Recreation Committee for term ending December 31, 2012.
27. Appoint Ronnie Haboush to Recreation Committee for term ending December 31, 2011.

28. Appoint Anthony Corona to the Zoning Board of Adjustment as Alternate II for term ending December 31, 2012.

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

29. No one wished to be heard.
30. Motion by Council Member Savas and seconded by Council Member Brennan to close the meeting to remarks on agenda items.

Roll Call: Yes - Unanimous Motion adopted.

31. Motion by Council Member Savas and seconded by Council Member Olmo 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.

32. Motion by Council Member Savas and seconded by Council Member Olmo to adopt all items with an asterisk as a single question.

Roll Call: Yes - Unanimous Motion adopted.

PRESENTATION OF BILLS

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

(Resolution in full on pages 109A through 109C.)

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.]

34. Rhoda Green, 4 Tenakill Park Drive East (Sunrise) said they requested a “Do Not Block” sign on Tenakill Park Drive West (TPDW) and Madison Ave. four years ago because it is very difficult to make a left turn onto TPDW off Madison Avenue due to the traffic and congestion. They were told it would take six months and nothing has happened. Mayor Romeo said the delay is due to getting final County approval for the 2nd lane on Madison Ave. Mayor Romeo said he will talk to the Chief for a temporary solution until the Madison Ave. project is completed which will resolve their problem.

Estelle Green, 4 Tenakill Park Drive East said that TPDW has become a speedway. The elderly walk there and Daibe’s apartments have young children that play on that street. It’s an accident waiting to happen. There were speed bumps that had to be removed because prior approval was not received. We need a “Slow” sign on that street. Chief Wrixon said the offenders are the people going there because it’s not a through street. Mayor Romeo explained that Sunrise and the Cresskill Commons own those two streets, not the borough, but we do provide the services. Mayor Romeo said the Police Chief will meet with representatives from all three buildings and advise them we are going to put up signage. Estelle Green said it was refreshing to hear you want to help us resolve these issues and not get the runaround.

Inga Wolfe, 4 Tenakill Park Drive East said on the sidewalk behind Sunrise there is standing water and it has a terrible smell; and there is lights out on the lamp posts.

Linda Platte an employee of Sunrise said the lights in the field and tennis courts stay on late when they are not being used. Mayor Romeo said the lights should go off at 10:00 pm unless there is a game.

Mayor Romeo said we'll be putting in a walking track and a bridge over the brook within the next 24 months and we will address all of tonight's issues.

No one else wished to be heard.

35. Motion by Council Member Savas and seconded by Council Member Brennan to close the meeting to remarks from the public.

Roll Call: Yes – Unanimous Motion adopted.

36. 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; Police Department
- 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.

37. Motion at 8:06 P.M. by Council Member Savas and seconded by Council Member Olmo to adjourn the meeting.

Roll Call: Yes - Unanimous. Motion adopted.

Benedict Romeo
Mayor

Barbara A. Nasuto
Borough Clerk