

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

JULY 13, 2011

1. Howard Tiedemann 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 7:40 P.M.
4. Present: Council Members Cleary, Mueller, Olmo, Savas, Tsigounis
Also Present: Attorney Salvatore, Borough Officials Vaccaro, Laufeld, McKim, Chief Wrixon
Absent: Council Member Brennan
5. Motion by Council Member Cleary and seconded by Council Member Savas to approve the minutes of the Mayor and Council Regular meeting of June 15, 2011 and Mayor and Council Special meeting of June 29, 2011.

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

COMMUNICATIONS

6. Minutes of the following meetings:

Library Board of Trustees
Planning Board

May 16, 2011
June 14 & 28, 2011

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Savas said the Recreation Dept. held family movie night on the soccer field, which is looking good, and about 50 residents attended. On 8/9 the Municipal Alliance will sponsor movie night and will be handing out literature and show films about the effects of drugs and alcohol. We will also be using the police cart and drunk goggles.

Council Member Olmo said the governor has giving the school an extra \$229,000. CFO Laufeld explained that the school has to make a decision by 7/19 concerning the school tax levy. The \$229,000 can either reduce the tax levy for the school or they can spend it and restore the cuts they made. The State can then certify state aid numbers, send it to the County and we can get our tax rate and send out our tax bills. The \$229,000 would reduce our tax rate by .01.

Council Member Olmo said they poured the asphalt for the 3rd Street basketball courts.

Council Member Cleary said he enjoyed the Independence Day celebration on July 2.

UNFINISHED BUSINESS

ORDINANCE ON FINAL READING

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

8. Motion at 7:45 P.M. 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 final reading by title only.

Roll Call: Yes – Unanimous Motion adopted.

9. Council Member Olmo read the title:

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

(Ordinance in full on page 109A of Minutes of Regular Mayor and Council Regular Meeting held June 15, 2011.)

10. The Borough Clerk announced that the ordinance was published in The Record on June 17, 2011, posted in the Borough Hall, and copies made available to the public.
11. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
12. Mayor Romeo said we're changing our ordinance so we match the COAH Housing requirements.

No one else wished to be heard.

13. Motion by Council Member Olmo and seconded by Council Member Cleary to close the public hearing.

Roll Call: Yes – Unanimous Motion adopted.

14. 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

pass its second and final reading, is hereby adopted and shall be published according to law.

Roll Call: Yes – Unanimous Resolution adopted.

NEW BUSINESS

INTRODUCTION OF ORDINANCE

Ordinance No. 11-09-1411 Amend Chapter 80 – Animal Fees

15. Motion at 7:46 PM by Council Member Savas and seconded by Council Member Cleary to introduce Ordinance No. 11-09-1411 – Amend Chapter 80 – Animal Fees on first reading by title only.

Roll Call: Yes-Unanimous Motion adopted.

Doron Sherman
(for: Carmel & Omrir Sherman)
 173 Madison Avenue
 Cresskill, NJ 07626
 Amount: \$376.00

Andrea Stassou
(for: Peter Stassou)
 104 Hoover Drive
 Cresskill, NJ 07626
 Amount: \$320.00

20. WHEREAS, the Mayor and Council of the Borough of Cresskill, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Mayor and Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough of Cresskill has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council, Borough of Cresskill, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Mayor and Council does hereby authorize submission of an application for the Cresskill Municipal Alliance grant for calendar year 2012 in the amount \$10,356.00.
2. The Mayor and Council acknowledge the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Approved: _____
 Benedict Romeo, Mayor

CERTIFICATION

I, Barbara A. Nasuto, Municipal Clerk of the Borough of Cresskill, County of Bergen, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Mayor and Council of Cresskill on this 13th day of July 2011.

 Barbara A. Nasuto, Municipal Clerk

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 178, Lot 7 for 2009 and 2010:

	<u>2009</u>	<u>2010</u>
Original Assessment:	\$ 323,100.00	\$ 323,100.00
Tax Court Judgment:	<u>\$ 282,100.00</u>	<u>\$ 282,100.00</u>
Decrease in Assessment:	\$ 41,000.00	\$ 41,000.00
Tax Rate:	<u>2.214</u>	<u>2.300</u>
Tax Refund:	\$ 907.74	\$ 943.00
 TOTAL:	 <u>\$ 1,850.74</u>	

Check to: William S. Winters, Esq.
 Attorney at Law
 199 Route 18 South
 East Brunswick, NJ 08816
(for: 43 Broadway)

22. WHEREAS, application was made for zoning approval; and

WHEREAS, an escrow account was established for this work; and

WHEREAS, the work has been completed and inspected and there remains a balance in the escrow account;

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

<u>Account No.</u>	<u>Block</u>	<u>Lot</u>	<u>Applicant</u>	<u>Amount</u>
ZE-1600	164	1	Chris Blake Architect 130 County Road Tenafly, NJ 07670 (for: 39 Elmore Place)	\$150.00

23. WHEREAS, Mauro C. and Linda R. Romita are the taxpayers of real estate designated as Block 301, Lot 5 on the official tax map of the Borough of Cresskill and better known as 6 Jackson Drive, Cresskill, New Jersey; and

WHEREAS, Mauro C. and Linda R. Romita have made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for tax year 2010; and

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

WHEREAS, the parties have agreed upon an assessment of the property listed below for tax year 2011; and

WHEREAS, the Mayor and Council are satisfied that, all things considered, the settlement, as set forth below, is reasonable;

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

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>	
301	5	6 Jackson Drive	
<u>Year: 2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 671,700	DIRECT	\$ 671,700
IMPROVEMENTS	\$ 1,319,900	APPEAL	\$ 928,300
TOTAL	\$ 1,991,600		\$ 1,600,000

BE IT FURTHER RESOLVED that the 2011 assessment of the property specified above be and is hereby ratified as follows:

<u>Year: 2011</u>	<u>Original Assessment</u>
LAND	\$ 671,700
IMPROVEMENTS	\$ 778,300
TOTAL	\$ 1,450,000

BE IT FURTHER RESOLVED that Morrison Mahoney LLP 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 that the following solicitor's license, which has been approved by the Chief of Police, be issued under the provisions of Chapter 140 of the Code of the Borough of Cresskill for the term ending December 31, 2011:

11-858
William Reid
(W. Reid Painting)
140 Prospect Ave., Apt. #17R
Hackensack, NJ 07601
Purpose: Exterior Painting/Pressure Washing

25. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following July 2011 payrolls be ratified and approved:

July 1, 2011

Current Fund	\$ 255,007.65
Social Security/Medicare	11,363.45
Municipal Pool	11,930.76
Community Center	<u>1,820.70</u>
	\$ 280,122.56

July 15, 2011

Current Fund	\$ 220,357.39
Social Security/Medicare	9,716.20
Municipal Pool	17,558.45
Community Center	<u>1,687.21</u>
	\$ 249,319.25

26. 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 90.01, Lot 20 for 2010:

2010

Original Assessment:	\$2,024,000.00
Tax Court Judgment:	<u>\$1,800,000.00</u>
Decrease in Assessment:	\$ 224,000.00
Tax Rate:	<u>2.300</u>
Tax Refund:	\$ 5,152.00

Check to: Stern & Kilcullen, LLC and
Tallides, Stergios
75 Livingston Avenue
Roseland, NJ 07068
(for: 9 Loman Court)

27. WHEREAS, Katherine A. MacLaren has applied for a Taxi Owner's License and has paid the required fees; and

WHEREAS, the vehicle has been inspected and approved by Chief Edward Wrixon;

NOW, THEREFORE, BE IT RESOLVED that the license be authorized for term ending December 31, 2011 subject to requirements of Chapter 246 of the Code of the Borough of Cresskill.

License No. 11-363

2005 BMWCar
Serial #1WBAGN63595DS59142

28. BE IT RESOLVED that the following solicitor's license, which has been approved by the Chief of Police, be issued under the provisions of Chapter 140 of the Code of the Borough of Cresskill for the term ending December 31, 2011:

11-859
Sonja J. Kramer
(Cupcake Cutie, LLC)
770-76 Broadway
Westwood, NJ 07675
Purpose: Cupcake Sales

29. 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 100% Disabled Veteran exemption from taxes as of January 1, 2011:

Gary J. Altomara
121 Engle Street
Cresskill, NJ 07626
Block 91.02, Lot 1
Refund 2011 Taxes: \$7,052.00

30. WHEREAS, cash escrow deposits have been paid to the Borough of Cresskill for legal fees in connection with Zoning Board applications for variances within the Borough of Cresskill; and

WHEREAS, the applications have been heard and approved by the Zoning Board of Adjustment; and

WHEREAS, balances remain in the escrow accounts which are no longer required;

NOW, THEREFORE, BE IT RESOLVED that the following balances in the Trust Accounts be refunded:

<u>ESCROW #</u>	<u>NAME</u>	<u>AMOUNT</u>
ZE 081	Guozhong Cao 28 Holly Lane Cresskill, NJ 07626	\$14.00
ZE 079	Mr. and Mrs. George Hubschman 35 Clark Street Cresskill, NJ 07626	\$14.00
ZE 083	Mr. and Mrs. Revital Gadish 51 Carleton Terrace Cresskill, NJ 07626	\$14.00
ZE 087	Mr. Zaid Mohammed 175 14 th Street Cresskill, NJ 07626	\$14.00
ZE-089	Mr. Robert C. Sung 25 Park Avenue Cresskill, NJ 07626	\$14.00
ZE 088	Mr. George Mkheidze 258 Highland Street Cresskill, NJ 07626	\$14.00

31. WHEREAS, the Environmental Commission has applied for and been granted a 2011 Sustainable Land Use Planning Grant to develop an Environmental Resource Inventory;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the Mayor be and is hereby authorized to sign the 2011 Sustainable Land Use Planning Grant Project Agreement.

32. 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 91.04, Lot 15 for 2010:

2010

Original Assessment:	\$2,383,100.00
Tax Court Judgment:	<u>\$2,220,000.00</u>
Decrease in Assessment:	\$ 163,100.00
Tax Rate:	<u>2.300</u>
Tax Refund:	\$ 3,751.30

Check to: Emilio Pelaez
47 Huyler Landing Road
Cresskill, NJ 07626
(for: 47 Huyler Landing Road)

33. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that pursuant to the recommendation of the Library Board of Trustees, the following part time employments be made:

Laurie Furrer	Library Assistant	\$11.40/per hour	Eff. June 20, 2011
Susanne Kelly	Library Assistant	\$11.00/ per hour	Eff. July 7, 2011

34. WHEREAS, Salary Ordinance No. 11-07-1409 was adopted on May 18, 2011 which indicates the minimum and maximum base salaries for job titles in the Borough of Cresskill; and

WHEREAS, the audit report for the year ending December 31, 2010 has a recommendation indicating that the Mayor and Council approve a schedule identifying the job title and corresponding base salary;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cresskill approve the schedule as indicated:

POSITION	2011 BASE SALARY
Borough Administrator	50,630.00
Borough Clerk	80,736.00
Deputy Borough Clerk	51,097.00
Grants Administrator	20,000.00
Secretary - Full Time	46,637.00
Secretary - Part Time	28.66 Per Hour
Municipal Housing Liaison	5,838.00
Tax Assessor	25,417.00
Registrar	27.56 Per Hour
Chief Financial Officer/Treasurer	95,000.00
Tax Collector	45,113.00
Deputy Tax Collector/Payroll	50,596.00
Tax Search Officer	1,000.00
Accounting Clerk	45,427.00
Accounting Clerk - Part Time	15,000.00
Construction Code Official	56,986.00

Fire - Sub-Code	7,024.00
Plumbing Sub-Code	23,642.00
Electrical Inspector	14,408.00
Building Dept Secretary	44,140.00
Property Maintenance Officer	14,565.00
Director of Human Services	11,682.00
Election Official	8,406.00
Fire Official/Assistants	1,214.00
Library Director	67,000.00
Librarian	52,000.00
Librarian	45,349.00
Librarian	42,515.00
Librarian	36,231.00
Library - Accounting Clerk	4,420.00
Library - Recording Secretary	1,581.00
Judge	14,711.00
Court Administrator	22.09 Per Hour
Deputy Court Clerk	15.75 Per Hour
Prosecutor	11,120.00
Public Defender	2,428.00
Planning Board - Recording Secretary	9,508.00
Chief of Police	151,278.00
Dispatcher	32,819.00
Dispatcher	32,819.00
Dispatcher	34,116.00
Dispatcher	45,052.00
Dispatcher	46,411.00
Superintendent of Public Works	127,554.00
Superintendent of Public Works - C-2 License	2,500.00
Superintendent of Public Works - CPWM	10,000.00
Superintendent of Public Works - SWMC	3,500.00
Assistant Superintendent of Public Works	116,148.00
Assistant Superintendent of Public Works - C-2 License	2,500.00
Assistant Superintendent of Public Works - CPWM	10,000.00
DPW Secretary - Dispatcher	45,056.00
Recycling Coordinator	9,400.00
Recreation Director	33,264.00
Recreation Secretary	18.87 Per Hour
Assistant Summer Director	2,900.00
Arts & Craft Director	2,050.00
Assistant Arts & Craft Director	1,250.00
Nature Instructor	1,450.00
Community Center Coordinator	31,000.00
Archivist	5,000.00
Newsletter Coordinator	6,000.00
Senior Citizens Director	51,133.00
Swim Club Pool Manager	13,901.00
Swim Club Assistant Pool Manager	9,003.00
Swim Club Assistant Pool Manager	8,000.00
Swim Club - Recording Secretary	20.48 Per Hour
Zoning Board of Adjustment Recording Secretary	20.81 Per Hour

POLICE DEPARTMENT

Patrolman - 5th year	90,440.00
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Patrolman - 7th year	106,683.00
Patrolman - 7th year	106,683.00
Lieutenant	120,751.00
Sergeant	113,717.00
Patrolman - 7th year	106,683.00
Captain	127,784.00
Patrolman - 7th year	106,683.00
Patrolman - 7th year	106,683.00
Sergeant	113,717.00
Patrolman - 7th year	106,683.00
Patrolman - 7th year	106,683.00
Sergeant	113,717.00
Patrolman - 7th year	106,683.00
Patrolman - 1st year	57,797.00
Lieutenant	120,751.00
Patrolman - 2nd year	63,848.00
Patrolman - 4th year	80,168.00
Lieutenant	120,751.00
Chief of Police	151,278.00
Sergeant	113,717.00

Department of Public Works

Laborer - 8th year	74,337.00
Laborer - 9th year	80,283.00
Mechanic - 4th year	74,393.00
Laborer - 10th year	86,906.00
Laborer - 2nd year	54,506.00
Laborer - 10th year	86,906.00
Laborer - 4th year	61,135.00
Foreman - 5th year	101,008.00
Laborer -10th year	86,906.00
Laborer - 6th year	67,765.00
Laborer -10th year	86,906.00
Laborer - 10th year	86,906.00
Foreman - 5th year	101,008.00
Laborer - 6th year	67,765.00
Laborer -10th year	86,906.00

35. A RESOLUTION AUTHORIZING THE BOROUGH OF CRESSKILL
TO RETAIN LEGAL COUNSEL FOR PERSONNEL MATTERS
PERTAINING TO THE CRESSKILL POLICE DEPARTMENT

WHEREAS, pursuant to N.J.S.A. 40A:14-118, the governing body of a municipality is empowered to create and establish, as an executive and enforcement function of municipal government, a police department; and,

WHEREAS, the Borough's Police Department has been created pursuant to said statute; and,

WHEREAS, several matters have arisen with respect to personnel issues requiring separate counsel to be retained to represent the Borough with respect to these matters; and,

WHEREAS, the Borough Council of the Borough of Cresskill (hereinafter referred to as "Borough Council") deems it to be in the best interests of the Borough and the Cresskill Police Department to retain the legal services of a law firm to represent the Borough on these matters;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that David F. Corrigan, Esq. be and is hereby retained to represent the Borough with respect to various proceedings involving police department personnel.

The cost of such representation will be \$170.00 per hour.

Motions

36. Appoint Regina Morrissey, Dan Riccardo and Manoj Sathananthan to the Recreation Committee for term ending December 31, 2013.
37. Appoint Carol Raggi to the Board of Health 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.]

38. No one wished to be heard.
39. 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.

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

41. 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

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

(Resolution in full on pages 129A through 129H.)

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.]

43. Howard Tiedemann, 101 7th Street said there was an ordinance that trucks were not allowed to be parked in residential driveways. Has it changed? Mayor Romeo said you are allowed two single axle trucks but double axle trucks are not permitted. Mr. Tiedemann said he knows of one double axle truck. Mayor Romeo said he will look into it.

William Zally, 24 Milton Street said they have not put up the gates to hide the dumpsters at Horizon Square mall. Mayor Romeo said Chuck Vaccaro would check on it tomorrow. Council Member Cleary said the walkway blocks on the south side of the building are loose and should be repaired. Mr. Zally said the owner doesn't move very quickly.

Mayor Romeo said the basketball courts are coming along well. We have the permits for the walking track and bridge. The demolition permits for the Daibes property on Madison Avenue will be issued shortly. We are going to widen the road and where Moosehead's is will probably be the third lane. Veteran's Square will remain the same.

The buildings will have stores downstairs and apartments upstairs. Mr. Zally said he hopes that a good bakery and ice cream shop go into the site.

No one else wished to be heard.

44. 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.

45. Resolution by Council Member Olmo and seconded by Council Member Savas:

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;

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.

46. Motion at 8:02 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