

## BOROUGH OF CRESSKILL

## MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

AUGUST 10, 2011

1. Pauline Rooney 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 7:38 P.M.
4. Present: Council Members Brennan, Cleary, Mueller, Savas, Tsigounis  
Also Present: Attorney Salvatore, Borough Officials McKim, Mann, Chief Wrixon  
Absent: Council Member Olmo
5. Motion by Council Member Cleary and seconded by Council Member Brennan to approve the minutes of the Mayor and Council Regular meeting of July 13, 2011.

Roll Call: Yes – Unanimous

Motion adopted.

## COMMUNICATIONS

6. Minutes of the following meetings:

Planning Board

July 12 &amp; 26, 2011

Filed.

## REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Savas said family movie night, sponsored by the Municipal Alliance, was postponed until tomorrow night due to rain.

Council Member Brennan said the basketball courts look great and the pavilion will be completed soon.

Mayor Romeo said we will be putting in bocce ball courts and horseshoe pits near the pavilion.

Council Member Cleary said there was work done at the railroad crossing.

Council Member Mueller said we will be going ahead with a borough-wide reassessment.

## UNFINISHED BUSINESS

## ORDINANCE ON FINAL READING

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

8. Motion at 7:42 PM by Council Member Savas and seconded by Council Member Brennan to introduce Ordinance No. 11-09-1411 – Amend Chapter 80 – Animal Fees on final reading by title only.

Roll Call: Yes-Unanimous Motion adopted.

9. Council Member Savas read the title:

AMEND CHAPTER 80 – ANIMALS - FEES

(Ordinance in full on page 121A of Minutes of Regular Mayor and Council Regular Meeting held July 13, 2011.)

10. The Borough Clerk announced that the ordinance was published in The Record on July 15, 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 are raising our licensing fees.

No one else wished to be heard.

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

Roll Call: Yes – Unanimous Motion adopted.

14. Resolution by Council Member Savas 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. 11-09-1411, entitled:

AMEND CHAPTER 80 – ANIMALS - FEES

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. 11-10-1412 Amend Chapter 49 – Personnel Policies Police Dispatchers

15. Motion at 7:43 PM by Council Member Brennan and seconded by Council Member Savas to introduce Ordinance No. 11-10-1412 Amend Chapter 49 – Personnel Policies Police Dispatchers on first reading by title only.

Roll Call: Yes-Unanimous Motion adopted.

16. Council Member Brennan read the title:

AMEND CHAPTER 49 PERSONNEL POLICIES – POLICE DISPATCHERS

(Ordinance in full on page 132A.)

17. Resolution by Council Member Brennan and seconded by Council Member Savas:





Bond Ordinance No. 11-14-1416 – Multi-purpose Various Public Improvements and Acquisition of Equipment

27. Resolution by Council Member Tsigounis and seconded by Council Member Brennan to amend the 2011 Capital Budget.

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

(Resolution in full on pages 135A through 135D.)

28. Council Member Tsigounis announced receipt of the Supplemental Debt Statement.

(Supplemental Debt Statement in full on pages 135E through 135J.)

29. Motion at 7:50 PM by Council Member Tsigounis and seconded by Council Member Cleary to introduce Bond Ordinance No. 11-14-1416 – Multi-purpose Various Public Improvements and Acquisition of Equipment on first reading by title only.

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

30. Council Member Tsigounis read the title:

“BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$270,000 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 135K through 135P.)

31. Resolution by Council Member Tsigounis and seconded by Council Member Brennan:

BE IT RESOLVED that Ordinance 11-14-1416 entitled:

“BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$270,000 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 7th day of September, 2011, 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, Savas, Tsigounis  
 No - None  
 Absent – Council Member Olmo  
 Abstain – None  
 Resolution adopted.

Ordinance No. 11-15-1417 Amend Chapter 263 – Vehicles and Traffic

32. Motion at 7:52 PM by Council Member Brennan and seconded by Council Member Cleary to introduce Ordinance No. 11-15-1417 Amend Chapter 263 – Vehicles and Traffic on first reading by title only.

Roll Call: Yes-Unanimous Motion adopted.

33. Council Member Brennan read the title:

AMEND CHAPTER 263 – VEHICLES AND TRAFFIC

(Ordinance in full on page 136A.)

34. Resolution by Council Member Brennan and seconded by Council Member Savas:

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. 11-15-1417, entitled:

AMEND CHAPTER 263 – VEHICLES AND TRAFFIC

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, September 7, 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.

Ordinance No. 11-16-1418 Emergency Appropriation – Reassessment

35. Motion at 7:53 PM by Council Member Mueller and seconded by Council Member Cleary to introduce Ordinance No. 11-16-1418 Emergency Appropriation – Reassessment on first reading by title only.

Roll Call: Yes-Unanimous Motion adopted.

36. Council Member Mueller read the title:

ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION – N.J.S.A. 40A:4-53 FOR THE PREPARATION AND EXECUTION OF A BOROUGH-WIDE REASSESSMENT OF THE PREVIOUS REVALUATION OF REAL PROPERTY

(Ordinance in full on page 136B.)

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



## NEW BUSINESS

\*Resolutions

42. 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:

Mireille Bitar  
(for: *Andreas Bitar*)  
50 Jackson Drive  
Cresskill, NJ 07626  
Amount: \$130.00

Hyun Ju Ha  
(for: *Andrew Ha*)  
1 Heatherhill Court  
Cresskill, NJ 07626  
Amount: \$130.00

Timothy Semenero  
(for: *Jack Semenero*)  
78 Heatherhill Road  
Cresskill, NJ 07626  
Amount: \$130.00

Christian Guillen  
(for: *Christian Guillen*)  
345 Merritt Avenue  
Bergenfield, NJ 07621  
Amount: \$170.00

Leslie Costa  
(for: *Jack & Dylan Costa*)  
40 Oak Street  
Cresskill, NJ 07626  
Amount: \$55.00

Yu Jin Cho  
(for: *Sun Hee Cho*)  
255 Piermont Road  
Cresskill, NJ 07626  
Amount: \$17.00

Emil Hiterer  
(for: *Danielle Hiterer*)  
43 Westervelt Place  
Cresskill, NJ 07626  
Amount: \$55.00

Katherine Dodds  
(for: *Claire Dodds*)  
76 Pershing Place  
Cresskill, NJ 07626  
Amount: \$85.00

Joyce Kim  
(for: *Emily Kim*)  
30 Heather Hill Road  
Cresskill, NJ 07626  
Amount: \$155.00

Susie Best  
(for: *James Schoenleber*)  
101 Linwood Avenue  
Cresskill, NJ 07626  
Amount: \$55.00

Susan Carbonell  
(for: *Audrey Carbonell*)  
232 Truman Drive  
Cresskill, NJ 07626  
Amount: \$130.00

Cheryl Mignone  
(for: *Edward & James Mignone*)  
244 Concord Drive  
River Edge, NJ 07661  
Amount: \$340.00

43. WHEREAS, the following permits have been issued under Sections 132-91 and 132-27 of the Code of the Borough of Cresskill and cash bonds 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 bonds held under the following permits:

<u>Code Sec.</u>	<u>Permit #</u>	<u>Name</u>	<u>Amount</u>
132-91	3907	A. Macchione Brothers, Inc. 71 South Newman Street Hackensack, NJ 07601 (for: 129 6 <sup>th</sup> Street)	\$50.00

132-91	3910	Mike Johnston 222 Piermont Road Cresskill, NJ 07626	\$50.00
132-91	3920	Darlene Von Glahn 20 Poplar Street Cresskill, NJ 07626	\$50.00
132-91	3921	H & S Paving P.O. Box 85 Cliffside Park, NJ 07010 <i>(for: 135 7<sup>th</sup> Street)</i>	\$50.00
132-91	3927	Catherine Lofberg 38 Engle Street Cresskill, NJ 07626	\$50.00
132-91	3933	Martin Lucibello, Sr. 153 Roosevelt Street Cresskill, NJ 07626	\$50.00
132-91	3936	A. Macchione Brothers, Inc. 71 South Newman Street Hackensack, NJ 07601 <i>(for: 12 Mountain View Court)</i>	\$50.00
132-91	3938	Mia Homes, Inc. 1360 River Road Teaneck, NJ 07666 <i>(for: 182 Brookside Avenue)</i>	\$50.00
132-91	3939	J. Campoli & Sons 28 Milton Street Cresskill, NJ 07626 <i>(for: 42 Cresskill Avenue)</i>	\$50.00
132-91	3942	Mehran Etemad 25 Mountain View Road Cresskill, NJ 07626	\$50.00
132-91	3944	Marcus Ray 122 6 <sup>th</sup> Street Cresskill, NJ 07626	\$50.00
132-91	3949	Melessa Ko 160 Magnolia Avenue Cresskill, NJ 07626	\$50.00
132-27	3873	Jason & Young Architecture Lab, LLC 205 Walnut Street Northvale, NJ 07647 <i>(for: 145 Heather Hill Road)</i>	\$100.00
132-27	3890	Sahib Construction, LLC 16-15 Jordan Road Fair Lawn, NJ 07410 <i>(for: 265 Highland Street)</i>	\$100.00

132-27	3903	Joseph Piccininni 109 11 <sup>th</sup> Street Cresskill, NJ 07626	\$100.00
132-27	3904	J.J. Sinisi Asphalt Paving 272 Broad Avenue Fairview, NJ 07022 <i>(for: 70 Willis Avenue)</i>	\$100.00
132-27	3908	Carol Krikun 345 12 <sup>th</sup> Street Cresskill, NJ 07626	\$100.00
132-27	3914	Benjamin Lam 17 Godfrey Place Cresskill, NJ 07626	\$100.00
132-27	3917	Green Hill Landscaping 34 Forest Avenue Old Tappan, NJ 07675 <i>(for: 484 11<sup>th</sup> Street)</i>	\$100.00
132-27	3918	Sul Ndrejoni 254 Madison Avenue Cresskill, NJ 07626	\$100.00
132-27	3922	Ted Weiland, Jr. 249 South River Street Hackensack, NJ 07601 <i>(for: 83 11<sup>th</sup> Street)</i>	\$100.00
132-27	3924	Sul Ndrejoni 254 Madison Avenue Cresskill, NJ 07626 <i>(for: 168 11<sup>th</sup> Street)</i>	\$100.00
132-27	3926	Elly Akiva 119 Jackson Drive Cresskill, NJ 07626	\$100.00
132-27	3928	Lumaj Builders, LLC 545 Rt. 17 So., Suite 2005 Ridgewood, NJ 07450 <i>(for: 24 Burton Place)</i>	\$100.00
132-27	3935	Robert Sung 25 Park Avenue Cresskill, NJ 07626	\$100.00
132-27	3943	McFarland Paving 68 Alcott Road Mahwah, NJ 07430 <i>(for: 80 Morningside Avenue)</i>	\$100.00

44. WHEREAS, Atheni Delite Concessions applied and paid for a food handlers license on June 1, 2011 and was issued license #11-57; and

WHEREAS, they paid \$30.00 again on June 4, 2011 for the same license;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the duplicate fee of \$30.00 be refunded to:

Atheni Delite Concessions  
2560 Borough Place  
Woodside, NY 11377

45. 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 73.01, Lot 47 for 2009:

2009

Original Assessment:	\$1,716,000.00
Tax Court Judgment:	<u>\$1,600,000.00</u>
Decrease in Assessment:	\$ 116,000.00
Tax Rate:	<u>2.214</u>
Tax Refund:	\$ 2,568.24

Check to: Sonali Plaza, Inc.  
c/o John R. Lloyd. Esq.  
Nowell Amoroso Klein Bierman, P.A.  
155 Polifly Road  
Hackensack, NJ 07601  
(for: 180 Piermont Road)

46. 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 6 for 2010:

2010

Original Assessment:	\$1,427,600.00
Tax Court Judgment:	<u>\$1,100,000.00</u>
Decrease in Assessment:	\$ 327,600.00
Tax Rate:	<u>2.300</u>
Tax Refund:	\$ 7,534.80

Check to: Joseph P. Napoletano, et al.,  
c/o John R. Lloyd. Esq.  
Nowell Amoroso Klein Bierman, P.A.  
155 Polifly Road  
Hackensack, NJ 07601  
(for: 14 Jackson Drive)

47. 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 28.01, Lot 1 for 2009 and 2010:

	<u>2009</u>	<u>2010</u>
Original Assessment:	\$ 337,800.00	\$ 337,800.00
Tax Court Judgment:	<u>\$ 280,000.00</u>	<u>\$ 280,000.00</u>
Decrease in Assessment:	\$ 57,800.00	\$ 57,800.00
Tax Rate:	<u>2.214</u>	<u>2.300</u>
Tax Refund:	\$ 1,279.69	\$ 1,329.40
<b>TOTAL:</b>	<u>\$ 2,609.09</u>	

Check to: Merritt Realty LLC, et al.,  
c/o John R. Lloyd. Esq.  
Nowell Amoroso Klein Bierman, P.A.  
155 Polifly Road  
Hackensack, NJ 07601  
(for: 80 Merritt Avenue)

48. WHEREAS, Lawrence R. and Josephine Fink are the taxpayers of real estate designated as Block 212, Lot 1 on the official tax map of the Borough of Cresskill and better known as 160 Hoover Drive, Cresskill, New Jersey; and

WHEREAS, Lawrence R. and Josephine Fink 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 that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not apply; 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 adjustment of the assessment of the property specified below be and is hereby ratified as follows:

<u>Block</u> 212	<u>Lot</u> 1	<u>Street Address</u> 160 Hoover Drive	
<u>Year: 2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 665,700	\$ 665,700	\$ 665,700
IMPROVEMENTS	<u>\$ 788,900</u>	<u>\$ 788,900</u>	<u>\$ 733,700</u>
TOTAL	\$ 1,454,600	\$ 1,454,600	\$ 1,399,400

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 adjustment to the assessment.

49. 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 41, Lot 1.05 for 2007:

<u>2007</u>	
Original Assessment:	\$49,693,700.00
Tax Court Judgment:	<u>\$37,500,000.00</u>
Decrease in Assessment:	\$12,193,700.00
Tax Rate:	<u>1.99</u>
Tax Refund:	\$ 242,654.63

Check to: CNL Retirement/Sunrise Assisted Living 3905  
c/o Gregory G. Lotz, Esq.  
Garippa, Lotz & Giannuario  
66 Park Avenue  
Montclair, NJ 07042  
(for: 3 Tenakill Park Drive East)

50. WHEREAS, the following permit has been issued under Section 132-91 of the Code of the Borough of Cresskill and the permit fee paid and cash bond deposited; and

WHEREAS, the contractor paid for the permit and bond and the homeowner cancelled the work to be performed;

NOW, THEREFORE, BE IT RESOLVED that the driveway permit fee and bond be returned to:

<u>Code Sec.</u>	<u>Permit #</u>	<u>Name</u>	<u>Amount</u>
132-91	3947	A. Macchione Bros., Inc. 71 South Newman Street. Hackensack, NJ 07601 <i>(for: 160 Magnolia Avenue)</i>	\$95.00

51. **BOROUGH-WIDE REASSESSMENT OF THE PREVIOUS REVALUATION OF REAL PROPERTY AND ADVERTISEMENT FOR RFP'S**

WHEREAS, the Borough Tax Assessor, James Anzevino, gave a presentation pertaining to property values and reassessment at a public meeting of the Mayor and Council of the Borough of Cresskill on August 3, 2011; and

WHEREAS, the previous revaluation of real property of the Borough needs to be updated and made current for the use of and by the local tax assessor.

NOW, THEREFORE BE IT RESOLVED, after consideration of the assessor's comments, the Mayor and Council authorizes the borough-wide reassessment of the previous revaluation of real property; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Cresskill authorizes the advertisement for RFP's for the professionals to perform a reassessment.

BE IT FURTHER RESOLVED that copies of this resolution be provided to Mr. Anzevino, the CFO and Borough Auditor.

52. **AUTHORIZATION TO ENTER INTO SHARED SERVICE AGREEMENT FOR PROPERTY REASSESSMENT**

WHEREAS, the Mayor and Council of the Borough of Cresskill has authorized execution of a Borough-wide reassessment of real property; and

WHEREAS, based on the State's Best Practices, it is highly recommended that municipalities find ways to share services; and

WHEREAS, the Borough Tax Assessor, James Anzevino, has suggested two neighboring communities, Dumont and River Edge, that are willing to enter into an agreement; and

WHEREAS, such agreement can lower the cost of reassessment services to the taxpayers of the Borough of Cresskill.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Cresskill authorizes the shared service agreement to include, but not be limited to, the municipalities of Dumont and River Edge.

BE IT FURTHER RESOLVED that copies of said agreement be provided to the Tax Assessor and the Municipal Clerks of Dumont and River Edge.

53. **SPECIAL EMERGENCY APPROPRIATION-PREPARATION AND EXECUTION OF A BOROUGH-WIDE REASSESSMENT OF REAL PROPERTY**

WHEREAS, an ordinance has been introduced creating a special emergency appropriation of \$200,000 to meet certain extraordinary expenses to be incurred for the preparation and execution of a Borough-wide reassessment program to update and make current the previous revaluation of real property for the use of and by the local tax

assessor and no adequate provision was made in the 2011 budget for the aforesaid purpose, and N.J.S.A. 40A:4-53 provides for the creation of a special emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of the emergency appropriation created, including the appropriation to be created by this resolution is \$200,000.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council, Borough of Cresskill, County of Bergen, State of New Jersey, in accordance with N.J.S.A. 40A:4-48 and 40A:4-53:

1. A Special Emergency Appropriation be and the same is hereby made for:  
Special Emergency Appropriations - Preparation and Execution of a Borough-Wide Assessment of Real Property.....\$200,000.
2. Total amount of the ordinance is for \$200,000 and the Borough of Cresskill hereby requests that an exclusion from the "CAP" be granted by the Director of Local Government Services in accordance with P.L. 1981, Chapter 56, in the amount of \$40,000 per year in the budgets of the next five succeeding years commencing with the budget of 2012 in accordance with 40A:4-55(c).
3. That a special emergency note or notes be authorized not in excess of \$200,000, the amount appropriated by ordinance as stated above.
4. That said note or notes may be renewed from time to time and at least 1/5 of all such notes and renewals thereof shall mature and be paid in each year thereafter until all are paid.
5. The Mayor and the Chief Financial Officer are hereby authorized to execute said notes, and the Borough Clerk is hereby authorized to affix the seal of the Borough to such notes and to attest such seal and said notes, and said officers are hereby authorized to issue said notes in such form as they may adopt in conformity with law and to recite therein that all requirements and conditions of law have been complied with in the issuance of said notes, and that said notes are within every debt and other limit prescribed by the Constitution or statutes of New Jersey.
6. The Chief Financial Officer is hereby authorized to sell said notes and any renewals thereof from time to time, at not less than par and accrued interest and to determine within the limitations prescribed by this resolution, the date, principal amount, maturity date, and denomination of said notes, and the rate of interest said notes shall bear and to deliver such notes upon receiving the purchase price to be paid therefore.
7. That two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services

ATTEST:

\_\_\_\_\_  
Barbara A. Nasuto, Borough Clerk

\_\_\_\_\_  
Benedict Romeo, Mayor

54.                   AUTHORIZING EXECUTION OF RAIN-DERIVED  
                          INFILTRATION/INFLOW REMEDIATION AGREEMENT  
  BETWEEN  
                          THE BERGEN COUNTY UTILITIES AUTHORITY  
  AND  
                          BOROUGH OF CRESSKILL

WHEREAS, the Bergen County Utilities Authority ("the Authority") is organized, pursuant to N.J.S.A. 40:14B-1 et seq. (Act), as a public body politic and corporate of the State of New Jersey (State), established as an instrumentality exercising public and essential governmental functions to provide for the public health and welfare of its constituency, which includes the relief of waters in or bordering the State from pollution

arising from causes within the district and the relief of waters in, bordering or entering the district from pollution or threatened pollution, and the consequent improvement of conditions affecting the public health and the provision of sewage collection and disposal services within or without the district; and

WHEREAS, to fulfill its purposes, the Authority is authorized and empowered to enter into agreements and/or make and enforce bylaws or rules and regulations for the management and regulation of its business and affairs for the use, maintenance and operation of its sanitary sewer system (System) and to perform any and all acts or things necessary, convenient or desirable for its purposes, in order to operate its System in an environmentally efficient and economically feasible manner; and

WHEREAS, the Borough of Cresskill (“Cresskill”) is a constituent member of the System operated by the Authority; and

WHEREAS, the Authority and Municipality have, on prior occasion(s), entered into a service agreement which has from time to time been amended (“SA”), the terms of which provide, inter alia, that any System rehabilitation work which is determined to be more advantageous and economical than construction of larger intercepting sewers and/or water pollution control facilities or other alternative construction and as required by the United States Environmental Protection Agency (USEPA), and/or New Jersey Department of Environmental Protection (NJDEP) shall be carried out by the Authority, and the costs thereof shall be included in the overall System charges of the Authority. Upon completion by the Authority of any rehabilitation work the Municipality agrees to maintain its public wastewater collection system in such a manner as to prevent future excessive rain derived infiltration or storm water inflow from entering the System and to make all repairs and to take such other measures as are required to reduce rain derived infiltration and/or inflow (RDI/I) to normally allowable limits acceptable to the USEPA and the NJDEP; and

WHEREAS, the Authority’s NJDEP-approved wastewater management plan includes a program to reduce RDI/I and to eliminate wet weather sanitary sewer overflows (SSOs) in its System; and

WHEREAS, the Authority has developed and is pursuing a proactive initiative to address the problem of RDI/I and SSOs in order to avoid an expensive intercepting sewer and/or plant expansion at its Little Ferry Water Pollution Control Facility, save and/or reduce System costs and expenses, and enhance the System’s capacity. This initiative is made part of the Authority’s Capacity Assurance Program (CAP) which is required by the NJDEP, since the committed flow has exceeded 80 percent of a treatment works permitted capacity of 94 million gallons/day. The Authority has submitted an approved CAP acceptable to the NJDEP to achieve consistent compliance with the terms of the Authority’s New Jersey Pollutant Discharge Elimination System Surface Water Discharge Permit, prevent overloading of its facilities, and to avoid a sewer ban on new construction in its service area; and

WHEREAS, the Authority’s RDI/I Reduction and SSO elimination plan consists of the reduction of the extraneous wet weather related flows that enter the Authority System from the municipalities within the Authority’s service area. The reduction of extraneous wet weather related flows is an integral component to avoid additional SSOs, Water Pollution Control Facility bypasses, and to provide adequate capacity to service existing and future development in accordance with the Authority’s CAP; and

WHEREAS, in accordance with the various SAs with its member municipalities (“Municipalities”), the Authority has previously engaged in System evaluation studies to determine the sources of excessive RDI/I within its System and municipal sewer systems; and

WHEREAS, the Authority deems it essential to the System’s efficient operation to be proactive in implementing the RDI/I reduction program, since the municipalities have not implemented the recommendations contained in previously performed Authority RDI/I and sanitary sewer evaluation studies, nor reduced RDI/I from private building service

connections (PBSCs) and other RDI/I prohibited into its public System from leaking manholes, adjacent pipe shears and other sanitary sewer defects. The Authority is prepared to implement the required municipal sewer system and PBSC modifications in a more cost-effective manner than individual municipalities and homeowners, and therefore save its ratepayers the cost of expanding its intercepting sewers and/or Little Ferry Water Pollution Control Facility to handle the additional RDI/I flow; and

WHEREAS, the Authority has developed Five and Twenty Year RDI/I Remediation and Reduction Plans that have been included in the Authority's Wastewater Management Plan and approved by the NJDEP. These Plans use the previous sewer studies and evaluations performed by the Authority's Task Force to prioritize the areas to be further investigated by detailed flow monitoring, closed circuit television (CCTV) inspection, and dye testing that identifies specific sources of RDI/I and provide the appropriate remediation; and

WHEREAS, the Authority has undertaken and/or is undertaking and finalizing studies and evaluations to identify specific sources of RDI/I in the Borough to formulate appropriate remediation measures to reduce and/or abate RDI/I and to that end, has prepared an agreement ("RDI/I Remediation Agreement") attached hereto for execution by the parties to implement the terms set forth therein; and

WHEREAS, the Authority and Borough of Cresskill consider the proposed RDI/I Remediation Agreement in the best interests of their respective constituencies and necessary and desirable to accomplish the objectives set forth therein.

NOW THEREFORE, BE IT RESOLVED by the Borough of Cresskill, that the proposed RDI/I Remediation Agreement attached hereto is hereby approved and the Mayor shall be and is hereby authorized to execute same in the space provided for signature, thereby binding the Borough of Cresskill to perform the terms, conditions, covenants, and understandings set forth in the attached RDI/I Remediation Agreement.

55. WHEREAS, the Mayor & Council are desirous of obtaining a perpetual sanitary sewer easement across Lot 1.05, Block 41; and

WHEREAS, HCP Sun1 Cresskill NJ, LLC, the owner of said premises, is desirous of granting said perpetual sanitary sewer easement; and

WHEREAS, said Owner has prepared a Deed of Easement granting said easement to the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Mayor and Borough Clerk be and are hereby authorized to accept and execute said Deed of Easement and cause same to be recorded in the Bergen County Clerk's Office.

56. WHEREAS, HCP Sun1 Cresskill NJ, LLC, Owner of Lot 1.05, Block 41 had posted certain performance guarantees and escrows pursuant to the Site Plan approval granted by the Cresskill Planning Board by Resolution dated June 24, 2003; and

WHEREAS, said Owner has met all the requirements of said Resolution and is, therefore, entitled to a release of the performance guarantees and a refund of the balance of said escrows.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the aforesaid performance guarantees be released to Sunrise Development, c/o PES Associates, Inc.; and it is further

BE IT RESOLVED FURTHER, that the balance of the aforesaid escrows (minus any fees or costs due to the Borough, its engineer, or the attorneys for the Borough and/or Planning Board), be returned to Sunrise Development, c/o PES Associates, Inc.

57. WHEREAS, Sandal Associates is the taxpayer of real estate designated as Block 83, Lot 69 on the official tax map of the Borough of Cresskill and better known as 155 County Road, Cresskill, New Jersey; and

WHEREAS, Sandal Associates has made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for tax years 2008, 2009 and 2010 and to the Bergen County Board of Taxation for tax year 2011; and

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

WHEREAS, the parties have agreed that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not apply; 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 below be and is hereby ratified as follows:

<u>Block</u> 83	<u>Lot</u> 69	<u>Street Address</u> 155 County Road	
<u>Year: 2008</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 750,000	N/A	\$ 750,000
IMPROVEMENTS	\$ 250,000	N/A	\$ 250,000
TOTAL	\$ 1,000,000	N/A	\$ 1,000,000
<u>Year: 2009</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 750,000	N/A	\$ 750,000
IMPROVEMENTS	\$ 250,000	N/A	\$ 150,000
TOTAL	\$ 1,000,000	N/A	\$ 900,000
<u>Year: 2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 750,000	N/A	\$ 750,000
IMPROVEMENTS	\$ 250,000	N/A	\$ 100,000
TOTAL	\$ 1,000,000	N/A	\$ 850,000
<u>Year: 2011</u>	<u>Original Assessment</u>	<u>Requested County Board Judgment</u>	
LAND	\$ 774,400	\$ 689,400	
IMPROVEMENTS	\$ 110,600	\$ 110,600	
TOTAL	\$ 885,000	800,000	

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 adjustment to the assessment.

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

July 29, 2011

Current Fund	\$ 283,181.30
Social Security/Medicare	14,553.55
Municipal Pool	22,020.55
Community Center	<u>2,563.43</u>
	\$ 322,318.83

August 12, 2011

Current Fund	\$ 220,856.32
Social Security/Medicare	9,480.21
Municipal Pool	21,227.92
Community Center	<u>847.54</u>
	\$ 252,411.99

59. WHEREAS, the Borough of Cresskill (“Cresskill”) had entered into a Contract with SCUFFY CARTING, LLC (“Scuffy”) dated June 17, 2009 for the performance of scavenger and recycling services for a period of fifty-four (54) months; and

WHEREAS, the Borough consented to the transfer of said Contract from Scuffy to Future Sanitation, Inc. (“Future”) by Resolution dated April 21, 2010; and

WHEREAS, Future has requested that Cresskill issue a Consent to the Assignment of the aforesaid Contract from Future to Advanced Waste Systems, Inc. (“Advanced”), effective September 1, 2011; and

WHEREAS, prior to said consent being given, Cresskill requires from Advanced:

- a. A Statement of Ownership pursuant to N.J.S.A. 52:25-24.1;
- b. Approval of where waste is to be disposed in that, under the existing Contract, Cresskill pays agreed disposal fees;
- c. Surety on a bond for Advanced in favor of Cresskill in the amount of \$318,960.00;
- d. Current financial statements of Advanced;
- e. Current N.J.D.E.P. documentation of issuance of a solid waste transporter license issued to Advanced;
- f. Current N.J.D.P.U. documentation of issuance of a Certificate to engage in the business of Solid Waste Collection as defined in N.J.S.A. 48:13a-1, et seq.;
- g. Current Certificate of Insurance in a form and coverage limits approved by Cresskill, designating Cresskill as an insured thereunder;
- h. Proof of filing and receipt of Advanced’s Annual Report filed with N.J.D.E.P., Division of Solid & Hazardous Waste Collector Utilities;
- i. Current and approved Certificate of Employee Information Report from the New Jersey State Treasurer, filed pursuant to N.J.A.C. 17:27-1, et seq.; and

WHEREAS, in order to issue a Consent to Assignment and Release to Future as to future performance, Cresskill will require receipt from Advanced, and Cresskill’s review and approval of, all the aforesaid documents, together with Advanced’s written agreement to assume all of Future’s obligations and duties under the Contract as may be reasonably required by Cresskill

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that, subject to the above conditions, Cresskill hereby authorizes the Mayor of Cresskill to execute and deliver a Consent of Assignment of the Contract duties and

obligations of Future to Advanced, with the same to be accepted and fully performed by Advanced.

60. WHEREAS, Thomas Grubecki is the owner of premises commonly known as 108 Brookside Avenue, Cresskill, New Jersey; and

WHEREAS, Cresskill Housing Rehabilitation holds a mortgage in the amount of \$15,000.00 on the aforesaid premises, subject only to a first mortgage held by NVE Bank in the face amount of \$120,000.00, with an approximate present balance of \$111,037.40; and

WHEREAS, Mr. Grubecki is in the process of refinancing said premises with NVE Bank for a new first mortgage in the amount of \$146,000.00; and

WHEREAS, NVE Bank requires that the mortgage held by Cresskill Housing Rehabilitation be subordinated to the new mortgage; and

WHEREAS, that the appraisal of the premises prepared for NVE Bank sets the value of the premises at \$300,000.00; and

WHEREAS, there appears to be sufficient equity in the subject premises to protect the interest of Cresskill Housing Rehabilitation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Mayor be and is hereby authorized to execute a Subordination of Mortgage for the benefit of NVE Bank, subordinating the mortgage held by Cresskill Housing Rehabilitation to a first mortgage not to exceed \$146,000.00, subject to the approval of the Borough Attorney to insure that the interest of Cresskill Housing Rehabilitation is subordinate only to the proposed new mortgage, and that no other intervening liens or encumbrances will affect the position of Cresskill Housing Rehabilitation.

#### Miscellaneous Business

61. Approve the following Raffle License:

RL 1315      Woman's Club – Cresskill      January – May 2012

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

62. No one wished to be heard.
63. 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.

64. Motion by Council Member Savas 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.

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

Roll Call:      Yes - Unanimous      Motion adopted.

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## PRESENTATION OF BILLS

66. Resolution by Council Member Brennan and seconded by Council Member Savas:

(Resolution in full on pages 150A through 150F.)

Roll Call: Yes – Unanimous Resolution adopted.

67. Administrator Vaccaro joined the meeting.

REMARKS FROM THE PUBLIC FOR THE GOOD AND WELFARE OF THE BOROUGH  
[Reported by Deputy Borough Clerk Patricia A. McKim.]

68. Mayor Romeo said when President Obama came to town last October; we were not reimbursed for security, overtime, etc. However, Mr. & Mrs. Kempner, who hosted the President's visit, reimbursed the town \$2,158 to repair the motherboard of the midget football field's scoreboard that was damaged by the velocity from the blades of the presidential helicopter. Thank you to Mr. & Mrs. Kempner.

Omar Cruz, 12 Heather Hill Court said Mike Mamo built a house next door to him. He had to cut down the tree that was on the property line, but we returned home to find workers trespassing in our yard and they had also cut 6 to 8 of our lilac bushes and 6 to 8 of our rose of sharon bushes. I have spoken to Mr. Mamo about it several times. He said he would take care of it, which he has not. I have also spoken to Construction Official Ed Rossi more than once and have not received a reply from him. I obtained an estimate for the damage and filed a police report, which I will give you copies. Also, he has not laid sod on the side that abuts my property and when the sprinklers go on I get water and mud running into my driveway. The new residents have moved in even though I made a complaint to Mr. Rossi. Mayor Romeo said he will take care of it tomorrow.

Francis Reiner, 19 Pierce Avenue asked if the Borough was still going to widen Brookside Avenue in front of Bryan School. Mayor Romeo said we're looking at next year as we are still in the planning stages. Mr. Reiner said his biggest concern is that people tend to drive faster on wider roads. I feel the parents of the children that attend Bryan School should be notified while in the planning stages so they can voice their opinions. Mayor Romeo said we would only be widening it on the playground side to stop the bottleneck. As a Professional Planner, you could be on a committee for this project and help in the planning. Mr. Reiner said it has worked for 45 years and doesn't feel the road needs to be widened. Mayor Romeo said back then kids walked to school, no one walks anymore. We introduced an ordinance tonight for no parking on the north side of Lexington Avenue from Brookside to Jefferson during school hours because cars can't get through. Council Member Brennan said perhaps the BOE could send a notice of the hearing date to the parents. Mr. Reiner requested the town use a traffic engineer as a consultant as well. Mayor Romeo said we are not going to rush into this project because we want to get grant money.

Pauline Rooney, 5 Tenakill Park Drive East said she has seen activity near Moosehead's; when will construction get underway? Mayor Romeo said we are very close; we had a holdup with CSX. Chief Wrixon said they were disconnecting service to the buildings.

No one else wished to be heard.

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

Roll Call: Yes – Unanimous Motion adopted.

70. Resolution by Council Member Brennan 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:

