

## BOROUGH OF CRESSKILL

## MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

AUGUST 14, 2013

1. Councilwoman Savas 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 Record and delivery to all members of the governing body.
3. Mayor Romeo called the meeting to order at 7:36 P.M.
4. Present: Council Members Brennan, Cleary, Mueller, Savas, Tsigounis  
Also Present: Attorney Salvatore, Borough Officials Vaccaro, McKim, Mann, Captain Domville  
Absent: Council Member Olmo
5. Motion by Council Member Tsigounis and seconded by Council Member Cleary to approve the minutes of the Mayor and Council Regular meeting of July 10, 2013 and Mayor and Council Special meeting of August 7, 2013.

Roll Call: Yes – Unanimous

Motion adopted.

## COMMUNICATIONS

6. Minutes of the following meetings:

Environmental Commission  
Planning Board

May 15, 2013  
July 9 & 23, 2013

Filed.

## REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Brennan said very few voters turned out for the Special Primary Senatorial election.

Council Member Cleary said he spoke to the Fire Chief about construction changes that need to be done at the Fire House.

## NEW BUSINESS

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

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## CONSENT AGENDA

## NEW BUSINESS

\*Resolutions

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

WHEREAS, the following participants are due refunds for various reasons;

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

Junghee Kim  
(for: *Eunjo Jang*)  
2205 Tenakill Park East  
Cresskill, NJ 07626  
Amount: \$130.00

Pamela Stecher  
(for: *Ariel Stecher*)  
103 12<sup>th</sup> Street  
Cresskill, NJ 07626  
Amount: \$130.00

Deepthi Nair  
(for: *Akshay Nair*)  
134 Knickerbocker Road  
Cresskill, NJ 07626  
Amount: \$130.00

Sung Gi Lee  
(for: *Jongmin Lee*)  
21 Phelps Avenue  
Cresskill, NJ 07626  
Amount: \$20.00

Rosalind Ferstenberg  
(for: *Jacob Ferstenberg*)  
58 Carleton Terrace  
Cresskill, NJ 07626  
Amount: \$330.00

Cindy Sanchez  
(for: *Ethan Sanchez*)  
345 Merritt Avenue  
Bergenfield, NJ 07621  
Amount: \$500.00

Ron Arad  
(for: *Ella Arad*)  
57 Monroe Avenue  
Cresskill, NJ 07626  
Amount: \$187.00

Sahar Farah  
(for: *Sama Farah*)  
85 6<sup>th</sup> Street  
Cresskill, NJ 07626  
Amount: \$55.00

Ryan Kim  
(for: *Ryan Kim*)  
161 Palisade Avenue  
Cresskill, NJ 07626  
Amount: \$55.00

Diane Allen  
(for: *Ashley Allen*)  
129 7<sup>th</sup> Street  
Cresskill, NJ 07626  
Amount: \$200.00

Evelyn Hiciano  
(for: *Keyla Hiciano*)  
116 Jefferson Avenue  
Cresskill, NJ 07626  
Amount: \$55.00

Katarina Alvarez  
(for: *Olivia Alvarez*)  
23 Kennedy Drive  
Cresskill, NJ 07626  
Amount: \$165.00

Elefteria Stathatos  
(for: *Ioannis Stathatos*)  
256 East Madison Avenue  
Cresskill, NJ 07626  
Amount: \$91.00

Mei Zhang  
(for: *Liz Zhang*)  
171 Schraalenburgh Road  
Haworth, NJ 07641  
Amount: \$55.00

Elizabeth Kumar  
(for: *Prianca Kumar*)  
234 Main Street  
New Milford, NJ 07646  
Amount: \$55.00

Michael Chin  
(for: *Michael Chin*)  
159 Prospect Avenue  
Haworth, NJ 07641  
Amount: \$55.00

Keren Brillant  
(for: *Gaya, Nirly & Yuval Brillant*)  
52 Park Avenue  
Cresskill, NJ 07626  
Amount: \$165.00

Arik Ben Dor  
(for: *Shelly Ben Dor*)  
195 4<sup>th</sup> Street  
Cresskill, NJ 07626  
Amount: \$55.00

Charles Achkar  
(for: *Anthony & Mark Achkar*)

Yanina Odintsov  
(for: *Dana Odintsov*)

110 Lexington Avenue  
Cresskill, NJ 07626  
Amount: \$110.00

30 Westervelt Place  
Cresskill, NJ 07626  
Amount: \$135.00

Ally Nathaniel  
(for: *Omer Nathaniel*)  
185 Cedar Lane  
Closter, NJ 07624  
Amount: \$34.00

Amir Alon  
(for: *Teva Alon*)  
8 Kennedy Drive  
Cresskill, NJ 07626  
Amount: \$120.00

Grace Staudt  
(for: *Caitlyn Staudt*)  
31 Pierce Avenue  
Cresskill, NJ 07626  
Amount: \$255.00

Joana Perhati  
(for: *Jaclyn Perhati*)  
162 10<sup>th</sup> Street  
Cresskill, NJ 07626  
Amount: \$255.00

Barbara Leung  
(for: *Barbara Leung*)  
282 Brookside Avenue  
Cresskill, NJ 07626  
Amount: \$20.00

InYoung Seo  
(for: *Chaerin Seo*)  
228 Grant Avenue  
Cresskill, NJ 07626  
Amount: \$130.00

Hyun Ju Ha  
(for: *Austin Ha*)  
1 Heatherhill Court  
Cresskill, NJ 07626  
Amount: \$160.00

Luigi Oliviero  
(for: *Diego Oliviero*)  
40 Seventh Street  
Cresskill, NJ 07626  
Amount: \$200.00

Scott Bahng  
(for: *Dana Bahng*)  
2 Palisade Court  
Cresskill, NJ 07626  
Amount: \$135.00

10. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that Jorge Vela be approved for full-time employment as Police Dispatcher in the Cresskill Police Department, effective July 15, 2013.
11. BE IT RESOLVED, that the Mayor and Council, of the Borough of Cresskill wish to enter into a grant agreement with the County of Bergen for the purpose of using a \$29,535.00 grant award from the 2012 Funding Round of the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the project entitled 12<sup>th</sup> Street Playground located in Block 140, Lots 270-276 on the tax maps of the Borough of Cresskill; and
- BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Mayor Benedict Romeo to be a signatory to the aforesaid grant agreement CONTRACT; and
- BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Chief Financial Officer Harold E. Laufeld, III to sign all County of Bergen Payment Vouchers submitted in conjunction with the aforesaid project; and
- BE IT FURTHER RESOLVED, that the Mayor and Council recognize that the Borough of Cresskill is liable for a dollar for dollar match for any funds awarded in accordance with the Trust Fund’s requirements.
12. WHEREAS, Millenium Healthcare Center/Care One at Dunroven is the taxpayer of real estate designated as Block 71, Lot 13 on the official tax map of the Borough of Cresskill and better known as 221 County Road, Cresskill, New Jersey; and

WHEREAS, Millenium Healthcare Center/Care One at Dunroven 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, 2010, 2011, 2012, 2013; and

WHEREAS, the parties to said action have agreed that as part of this settlement, the Assessor shall reduce the initial 2014 assessment from the anticipated total of \$8,527,200 to a total of \$6,100,000. In the event the Assessor fails to make the agreed change in the tax list for 2014, taxpayer may file a Complaint to reduce the assessment to the agreed amount and the Municipality will consent to the entry of a judgment to effectuate the agreement to fix the 2014 assessment; and

WHEREAS, the parties to said action have agreed upon an adjustment of the assessments; 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, after review and analysis, the settlement, as set forth below, is proper and 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> 71	<u>Lot</u> 13	<u>Street Address</u> 221 County Road	
<u>Year: 2008</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND:	\$4,855,000	N/A	WITHDRAWN
IMPROVEMENTS:	<u>\$3,855,500</u>	<u>N/A</u>	<u>WITHDRAWN</u>
TOTAL:	\$8,710,500	N/A	WITHDRAWN
<u>Year: 2009</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND:	\$4,855,000	N/A	\$4,855,000
IMPROVEMENTS:	<u>\$3,855,500</u>	<u>N/A</u>	<u>\$3,000,000</u>
TOTAL:	\$8,710,500	N/A	\$7,855,000
<u>Year: 2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND:	\$4,000,000	N/A	\$4,000,000
IMPROVEMENTS:	<u>\$3,000,000</u>	<u>N/A</u>	<u>\$2,500,000</u>
TOTAL:	\$7,000,000	N/A	\$6,500,000
<u>Year: 2011</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND:	\$4,000,000	N/A	\$4,000,000
IMPROVEMENTS:	<u>\$3,000,000</u>	<u>N/A</u>	<u>\$2,000,000</u>
TOTAL:	\$7,000,000	N/A	\$6,000,000
<u>Year: 2012</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND:	\$3,350,400	N/A	\$3,350,400
IMPROVEMENTS:	<u>\$5,176,800</u>	<u>N/A</u>	<u>\$4,399,600</u>
TOTAL:	\$8,527,200	N/A	\$7,750,000

<u>Year: 2013</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND:	\$3,350,400	N/A	\$3,350,400
IMPROVEMENTS:	<u>\$5,176,800</u>	<u>N/A</u>	<u>\$3,899,600</u>
TOTAL:	\$8,527,200	N/A	\$7,250,000

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 that the proper officials be, and hereby are, authorized to make the necessary adjustments to the assessment.

13. 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 187, Lot 19 for 2011:

2011

Original Assessment:	\$ 443,500.00
Tax Court Judgment:	<u>\$ 438,000.00</u>
Decrease in Assessment:	\$ 5,500.00
Tax Rate:	<u>2,348</u>
Tax Refund:	\$ 129.14

Check to: Rubin & Dombeck, LLC  
Elchanan Dulitz, Esq.  
141 Ayers Court, Suite 1B  
Teaneck, NJ 07666  
(for: 9 Burns Place)

14. 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 194, Lot 7 for 2011:

2011

Original Assessment:	\$ 367,000.00
Tax Court Judgment:	<u>\$ 350,000.00</u>
Decrease in Assessment:	\$ 17,000.00
Tax Rate:	<u>2,348</u>
Tax Refund:	\$ 399.16

Check to: Rubin & Dombeck, LLC  
Elchanan Dulitz, Esq.  
141 Ayers Court, Suite 1B  
Teaneck, NJ 07666  
(for: 27 Clark Street)

15. 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 3, Lot 18 for 2011:

2011

Original Assessment:	\$ 442,900.00
Tax Court Judgment:	<u>\$ 420,000.00</u>
Decrease in Assessment:	\$ 22,900.00
Tax Rate:	<u>2,348</u>
Tax Refund:	\$ 537.69

Check to: Rubin & Dombeck, LLC  
 Elchanan Dulitz, Esq.  
 141 Ayers Court, Suite 1B  
 Teaneck, NJ 07666  
*(for: 407 Grant Avenue)*

16. 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 147, Lot 3.01 for 2011:

2011

Original Assessment:	\$ 291,900.00
Tax Court Judgment:	<u>\$ 290,000.00</u>
Decrease in Assessment:	\$ 1,900.00
Tax Rate:	<u>2,348</u>
Tax Refund:	\$ 44.61

Check to: Rubin & Dombeck, LLC  
 Elchanan Dulitz, Esq.  
 141 Ayers Court, Suite 1B  
 Teaneck, NJ 07666  
*(for: 89 Jefferson Avenue)*

17. 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 132, Lot 31 for 2011:

2011

Original Assessment:	\$ 677,200.00
Tax Court Judgment:	<u>\$ 640,000.00</u>
Decrease in Assessment:	\$ 37,200.00
Tax Rate:	<u>2,348</u>
Tax Refund:	\$ 873.46

Check to: Rubin & Dombeck, LLC  
 Elchanan Dulitz, Esq.  
 141 Ayers Court, Suite 1B  
 Teaneck, NJ 07666  
*(for: 214 Phelps Avenue)*

18. WHEREAS, Carl Stutzer T/A 640 LLC has applied for a Limo/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, 2013 subject to requirements of Chapter 246 of the Code of the Borough of Cresskill.

License No. 13-389  
 1998 Ford Crown Victoria  
 Serial #2FAFP71W3WX143090

19. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Tax Collector be, and hereby is, authorized to effect the following tax refund due to Stipulation of Settlement on property assessment for Block 91.06, Lot 14 for 2012:

2012

Original Assessment:	\$2,121,100.00
Tax Court Judgment:	<u>\$2,006,600.00</u>
Decrease in Assessment:	\$ 114,500.00
Tax Rate:	<u>2.324</u>
Tax Refund:	\$ 2,660.98

Check to: Hubschman & Roman, P.C.  
Attorneys at Law  
318 Bergen Boulevard  
Palisades Park, NJ 07650  
(for: 37 McGrath Drive)

20. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Tax Collector be, and hereby is, authorized to effect the following tax refund due to Stipulation of Settlement on property assessment for Block 91.06, Lot 24 for 2012:

2012

Original Assessment:	\$2,440,700.00
Tax Court Judgment:	<u>\$2,308,900.00</u>
Decrease in Assessment:	\$ 131,800.00
Tax Rate:	<u>2.324</u>
Tax Refund:	\$ 3,063.03

Check to: Hubschman & Roman, P.C.  
Attorneys at Law  
318 Bergen Boulevard  
Palisades Park, NJ 07650  
(for: 81 Hoover Drive)

21. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Tax Collector be, and hereby is, authorized to effect the following tax refund due to Stipulation of Settlement on property assessment for Block 91.04, Lot 3 for 2012:

2012

Original Assessment:	\$2,416,700.00
Tax Court Judgment:	<u>\$2,286,200.00</u>
Decrease in Assessment:	\$ 130,500.00
Tax Rate:	<u>2.324</u>
Tax Refund:	\$ 3,032.82

Check to: Hubschman & Roman, P.C.  
Attorneys at Law  
318 Bergen Boulevard  
Palisades Park, NJ 07650  
(for: 5 Huyler Landing Road)

22. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Tax Collector be, and hereby is, authorized to effect the following tax refund due to Stipulation of Settlement on property assessment for Block 209, Lot 8 for 2012:

2012

Original Assessment:	\$1,270,600.00
Tax Court Judgment:	<u>\$1,202,000.00</u>
Decrease in Assessment:	\$ 68,600.00
Tax Rate:	<u>2.324</u>
Tax Refund:	\$ 1,594.26

Check to: Hubschman & Roman, P.C.  
 Attorneys at Law  
 318 Bergen Boulevard  
 Palisades Park, NJ 07650  
*(for: 210 Hillside Avenue)*

23. RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY  
 VIA ON-LINE AUCTION

WHEREAS, the Borough of Cresskill is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Borough of Cresskill is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill, as follows:

1. The sale of surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Borough of Cresskill.
  2. The sale will be conducted online and the address of the auction is govdeals.com.
  3. The sale is being conducted pursuant to Local Finance Notice 2008-9.
  4. A list of the surplus property to be sold is indicated on Schedule A attached hereto.
  5. The surplus property as identified shall be sold in an “as is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
  6. The Borough of Cresskill reserves the right to accept or reject any bid submitted.
24. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following July and August 2013 payrolls be ratified and approved:

July 26, 2013

Current Fund	\$ 322,911.57
Social Security/Medicare	16,332.52
Community Center	5,630.48
Municipal Swim	23,750.55
Library	<u>16,644.48</u>
	\$ 385,269.60

August 9, 2013

Current Fund	\$ 310,301.29
Social Security/Medicare	15,080.59
Community Center	3,978.01
Municipal Swim	22,593.58
Library	<u>15,464.11</u>
	\$ 367,417.58

25. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the firm of Kenneth E. Meiser, Esquire be retained as Land Use Attorney in connection with miscellaneous zoning matters. The contract will be awarded without competitive bidding

as a professional service under provisions of the Local Public Contract Law and the attorney is authorized by law to practice a recognized profession and it is not practicable to obtain competitive bids nor in the best interest of Cresskill to so do. Additionally, this appointment is in accordance with N.J.S.A. 19:44A-20.8 in that where required, the appointee has filed with the Borough, a Business Entity Disclosure Certification.

26. WHEREAS, bids were received for the 2012 Road Improvement Program and a contract was awarded to Ingannamorte & Son, Inc., in the amount of \$819,352.30; and

WHEREAS, additional work was necessary due to storm drain improvements within and along Eleventh Street and Lexington Avenue over the amount of the contract;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that a change order #1 be issued in the amount of \$32,636.16 to Ingannamorte & Son, Inc. in order to complete the contracted work. Reimbursement of \$16,651.10 will be made to the Borough from Frank DeCarlo, as Developer of properties located at 388 and 394 Lexington Avenue.

27. WHEREAS, the Police Chief has requested the purchase of police car equipment for the 2013 Chevy Tahoe, in an amount not to exceed \$17,000.00; and

WHEREAS, the Chief Financial Officer has verified that the funds are available;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cresskill authorizes the purchase under State Contract #A81334 and A81347 from 10-75 Emergency Lighting, LLC, 51 Executive Parkway, Bldg. #1, Ringwood, NJ 07456.

28. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the Mayor be, and hereby is, authorized to sign EMS Negotiating contracts.

#### Motions

29. Appoint James P. McGloin, Jesse T. Magnotta and Bryan Hakim to the Cresskill Volunteer Fire Dept.
30. Appoint Gary Epstein to the Zoning Board of Adjustment for term ending December 31, 2014.

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

31. No one wished to be heard.
32. Motion by Council Member Tsigounis and seconded by Council Member Cleary to close the meeting to remarks on agenda items.

Roll Call: Yes - Unanimous Motion adopted.

33. Motion by Council Member Tsigounis 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.

34. Motion by Council Member Tsigounis and seconded by Council Member Brennan to adopt all items with an asterisk as a single question.

Roll Call: Yes - Unanimous Motion adopted.

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