

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

SEPTEMBER 7, 2011

1. Chief Wrixon 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 7:36 P.M.
4. Present: Council Members Brennan, Cleary, Mueller, Olmo, Savas, Tsigounis
Also Present: Attorney Salvatore, Borough Officials Vaccaro, Laufeld, Mann, Chief Wrixon
5. Motion by Council Member Olmo and seconded by Council Member Cleary to approve the minutes of the Mayor and Council Regular meeting of August 10, 2011.

Roll Call: Yes – Unanimous

Motion adopted.

COMMUNICATIONS

6. Minutes of the following meetings:

Planning Board

August 9 & 23, 2011

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Tsigounis thanked Bobbi Bauer of the CEC who along with Planner Michael Hakim obtained a grant from ANJEC to develop an Environmental Resource Inventory.
Professional Organizer Victoria Pearlman will be offering a workshop at the Library tomorrow evening.

Council Member Savas said opening day for soccer is September 11th and will kick off with a parade.

The State's blood supply is at a critical level so please donate if you can.

The Swim Club closed ahead of schedule for the season due to contamination from Hurricane Irene.

Senator Lautenberg sent a letter requesting we commemorate the 10th anniversary of September 11th by having a moment of remembrance at 1:00 pm on Sunday, Sep. 11th.

The Fire Dept. will sound the sirens at that time. Also a 9/11 Memorial ceremony will be held at 3:00 pm at Overpeck Park.

Council Member Brennan commended the Police and Fire Departments for all the work and long hours they put in during the hurricane.

Council Member Olmo commended the DPW for all their work during the hurricane. They had to move their equipment from Piermont Road due to flooding and relocated themselves to the front of Borough Hall.

Council Member Cleary also commended the DPW and Police for the work they did handling the flooding. Also, for their parts in Moosehead's being torn down and interlocking the two.

Council Member Mueller said we received a letter from Chief Wrixon commending Officer Lanzilotti for his bravery when a tanker truck caught fire on Madison Avenue. Officer Lanzilotti risked his life several times to minimize the damage while in a very dangerous situation.

Mayor Romeo also thanked and commended Officer Lanzilotti.

UNFINISHED BUSINESS

ORDINANCE ON FINAL READING

Ordinance No. 11-10-1412 Amend Chapter 49 – Personnel Policies Police Dispatchers

8. Motion at 7:42 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 final reading by title only.

Roll Call: Yes-Unanimous Motion adopted.

9. Council Member Brennan read the title:

AMEND CHAPTER 49 PERSONNEL POLICIES – POLICE DISPATCHERS

(Ordinance in full on page 132A of Minutes of Regular Mayor and Council Regular Meeting held August 10, 2011.)

10. The Borough Clerk announced that the ordinance was published in The Record on August 12, 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. No one wished to be heard.
13. Motion by Council Member Brennan and seconded by Council Member Savas to close the public hearing.

Roll Call: Yes – Unanimous Motion adopted.

14. 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. 11-10-1412, entitled:

AMEND CHAPTER 49 PERSONNEL POLICIES – POLICE DISPATCHERS

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

Roll Call: Yes – Unanimous Resolution adopted.

Ordinance No. 11-11-1413 Amend Chapter 30 – Fire Department Articles IV and V

15. Motion at 7:44 PM by Council Member Cleary and seconded by Council Member Brennan to introduce Ordinance No. 11-11-1413 Amend Chapter 30 – Fire Department Articles IV and V on final reading by title only.

Roll Call: Yes-Unanimous Motion adopted.

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

37. Council Member Olmo 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 of Minutes of Regular Mayor and Council Regular Meeting held August 10, 2011.)

38. The Borough Clerk announced that the ordinance was published in The Record on August 12, 2011, posted in the Borough Hall, and copies made available to the public.
39. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
40. No one wished to be heard.
41. Motion by Council Member Olmo and seconded by Council Member Savas to close the public hearing.

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

42. Resolution by Council Member Olmo 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. 11-14-1416, 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”

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

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

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

43. Motion at 7:49 PM by Council Member Brennan and seconded by Council Member Savas to introduce Ordinance No. 11-15-1417 Amend Chapter 263 – Vehicles and Traffic on final reading by title only.

Roll Call: Yes-Unanimous Motion adopted.

44. Council Member Brennan read the title:

AMEND CHAPTER 263 – VEHICLES AND TRAFFIC

(Ordinance in full on page 136A of Minutes of Regular Mayor and Council Regular Meeting held August 10, 2011.)

45. The Borough Clerk announced that the ordinance was published in The Record on August 12, 2011, posted in the Borough Hall, and copies made available to the public.
46. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
47. No one wished to be heard.
48. Motion by Council Member Brennan and seconded by Council Member Savas to close the public hearing.

Roll Call: Yes – Unanimous Motion adopted.

49. 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

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

Roll Call: Yes – Unanimous Resolution adopted.

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

50. Motion at 7:50 PM by Council Member Mueller and seconded by Council Member Brennan to introduce Ordinance No. 11-16-1418 Emergency Appropriation – Reassessment on final reading by title only.

Roll Call: Yes-Unanimous Motion adopted.

51. 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 of Minutes of Regular Mayor and Council Regular Meeting held August 10, 2011.)

52. The Borough Clerk announced that the ordinance was published in The Record on August 12, 2011, posted in the Borough Hall, and copies made available to the public. Planning Board approval has been received.

53. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
54. No one wished to be heard.
55. Motion by Council Member Mueller and seconded by Council Member Savas to close the public hearing.

Roll Call: Yes – Unanimous Motion adopted.

56. Resolution by Council Member Mueller 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. 11-16-1418, entitled:

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

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

Roll Call: Yes – Unanimous Resolution adopted.

Ordinance No. 11-17-1419 Amend Chapter 275 Zoning, Article XVIII – Enforcement and Penalties

57. Motion at 7:52 PM by Council Member Olmo and seconded by Council Member Savas to introduce Ordinance No. 11-17-1419 Amend Chapter 275 Zoning, Article XVIII – Enforcement and Penalties on final reading by title only.

Roll Call: Yes-Unanimous Motion adopted.

58. Council Member Olmo read the title:

AMEND CHAPTER 275 ZONING
ARTICLE XVIII - ENFORCEMENT AND PENALTIES

(Ordinance in full on page 137A of Minutes of Regular Mayor and Council Regular Meeting held August 10, 2011.)

59. The Borough Clerk announced that the ordinance was published in The Record on August 12, 2011, posted in the Borough Hall, and copies made available to the public. Planning Board approval has been received.
60. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
61. No one wished to be heard.
62. Motion by Council Member Olmo and seconded by Council Member Savas to close the public hearing.

Roll Call: Yes – Unanimous Motion adopted.

63. Resolution by Council Member Olmo 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. 11-17-1419, entitled:

AMEND CHAPTER 275 ZONING
ARTICLE XVIII - ENFORCEMENT AND PENALTIES

WHEREAS, it is in the best interests of both residents of said premises and the general public that said provisions be made applicable within said premises.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the provisions of Subtitle 1, Title 39 of the Revised Statutes of the State of New Jersey be made applicable to the semi-public roadways, driveways, parking and other areas used for vehicular traffic within the aforesaid premises; and it is further

BE IT FURTHER RESOLVED, that said request shall not be deemed a dedication to public use of such semi-public roadways, driveways, parking and other areas used for vehicular traffic, nor shall it prevent the requiring other, different or additional conditions other than those specified in Subtitle 1, Title 39 of the Revised Statutes of the State of New Jersey.

69. 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 refunds due to overpayment of 3rd quarter 2011 taxes to:

<u>BLOCK</u>	<u>LOT</u>	<u>Qualifier</u>	<u>NAME</u>	<u>AMOUNT</u>
91.06	28		Izhak & Madlen Meger 142 Vaccaro Drive Cresskill, NJ 07626	\$ 11,157.85
55	68.02		Paul Kaske 143 Fulton Street New Milford, NJ 07646 (for: 21 Poplar Street)	\$ 1,973.66

70. WHEREAS, the Borough of Cresskill has entered into a Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8A-1 et seq. to participate in the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund; and

WHEREAS, said Agreement requires that one municipal representative be appointed by the governing body of the community to be part of the Open Space Trust Municipal Park Improvement and Land Acquisition Program Regional Committee for the term of one year coinciding with the fiscal year September 1, 2011 through August 31, 2012;

NOW, THEREFORE, BE IT RESOLVED, that the governing body hereby appoints Andrew Vaccaro as its representative to participate on the Open Space Trust Municipal Program Regional Committee.

71. WHEREAS, Cresskill Industrial Park is the taxpayer of real estate known as Block 88, Lot 3 on the official tax map of the Borough of Cresskill and better known as 130 Broadway, Cresskill, New Jersey; and

WHEREAS, Cresskill Industrial Park has made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for tax years 2009 and 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 apply to 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 below be and is hereby ratified as follows:

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>	
88	3	130 Broadway	
<u>Year: 2009</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 2,429,000.00	N/A	
IMPROVEMENTS	\$ 1,085,700.00	N/A	Withdrawn
TOTAL	\$ 3,514,700.00	N/A	
<u>Year: 2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 2,429,000.00	N/A	\$2,429,000.00
IMPROVEMENTS	\$ 1,085,700.00	N/A	721,000.00
TOTAL	\$ 3,514,700.00	N/A	\$3,150,000.00
<u>Year: 2011</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Freeze Act</u>
LAND	\$ 2,429,000.00	N/A	\$2,429,000.00
IMPROVEMENTS	\$ 1,085,700.00	N/A	\$ 721,000.00
TOTAL	\$ 3,514,700.00	N/A	\$3,150,000.00

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.

72. 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 80, Lot 14 for 2009:

2009

Original Assessment:	\$1,899,600.00
Tax Court Judgment:	<u>\$1,650,000.00</u>
Decrease in Assessment:	\$ 249,600.00
Tax Rate:	<u>2.214</u>
Tax Refund:	\$ 5,526.14

Check to: Sejal Medic, Inc.
c/o John R. Lloyd. Esq.
Nowell Amoroso Klein Bierman, P.A.
155 Polifly Road
Hackensack, NJ 07601
(for: 29 East Madison Avenue)

73. Chapter 159 Resolution – Amendment to 2011 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 2011 Budget in the sum of \$951.75 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 \$951.75 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

74. Chapter 159 Resolution – Amendment to 2011 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 2011 Budget in the sum of \$12,455.31 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 \$12,455.31 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 NJ Recycling Tonnage Grant

75. Chapter 159 Resolution – Amend 2011 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 2011 Budget in the sum of \$323.61 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 \$323.61 and the same is hereby appropriated under the caption

General Appropriations
Operations Excluded from CAPS
State and Federal Programs Offset by the Revenues
Alcohol Education and Rehabilitation Fund

76. Chapter 159 Resolution – Amendment to 2011 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 2011 Budget in the sum of \$8,925.00 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 \$8,925.00 and the same is hereby appropriated under the caption

General Appropriations
Operations Excluded from CAPS
State and Federal Programs Offset by the Revenues
ANJEC – Sustainable Land Use Grant

77. WHEREAS, the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund (“County Trust Fund”), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of municipal recreation facilities; and

WHEREAS, the Borough of Cresskill desires to further the public interest by obtaining a matching grant of \$27,365.00 from the County Trust Fund to fund the following project: Terhune Park Improvements; and

WHEREAS, the governing body has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and

WHEREAS, as part of the application process, the governing body will hold a public hearing on September 7, 2011 to receive comments prior to the submission of said application; and

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project(s).

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

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of September 1, 2011, as established by the County; and
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Borough of Cresskill has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and
3. That the Borough of Cresskill is committed to providing a dollar for dollar cash match for the project; and

4. That the Borough of Cresskill agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

78. WHEREAS, application has been made to the Mayor and Council of the Borough of Cresskill for renewal of a liquor license and the proper fees have been paid therefor; and

WHEREAS, the applicant made application to the State of New Jersey for a special ruling to permit renewal of inactive license pursuant to N.J.S.A. 33:1-12.39; and

WHEREAS, the State of New Jersey has approved the renewal application and the applicant has complied with the ordinances of the Borough of Cresskill;

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

PLENARY RETAIL CONSUMPTION LICENSE

Fee: \$1,320.00

Piermont Plaza Assoc.

Lic. No. 0208-33-002-011

79. WHEREAS, the Cresskill Ambulance Corp. has requested the purchase of two (2) Panasonic computers with additional equipment and installation in the amount of \$10,943.96; 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 #B27172 from G.T.B.M., Inc., 351 Paterson Avenue, East Rutherford, NJ 07073.

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

August 26, 2011

Current Fund	\$ 234,162.00
Social Security/Medicare	9,711.36
Municipal Pool	21,246.65
Community Center	<u>1,401.94</u>
	\$ 266,521.95

September 9, 2011

Current Fund	\$ 239,626.83
Social Security/Medicare	9,981.80
Municipal Pool	18,451.11
Community Center	<u>1,687.21</u>
	\$ 269,746.95

81. WHEREAS, the Borough has determined that it is the best interests of the Borough to reassess all real property within the Borough of Cresskill; and

WHEREAS, there exists a need for professional services for the purpose of performing said reassessment; and

WHEREAS, solicitations to qualified appraisal companies were issued to various companies in the State of New Jersey and proposals were received; and

WHEREAS, the Mayor and Council received bids for said services on August 22, 2011; and

WHEREAS, Appraisal Systems, Inc. was the lowest responsible bidder, whose bid was in the amount of \$150,210.00; and

WHEREAS, the bids were reviewed by the Tax Assessor and the Borough Attorney; and

WHEREAS, the Chief Financial Officer has certified that the funds for said reassessment are available.

NOW, THEREFORE, BE IT RESOLVED that Appraisal Systems, Inc., 110 S. Jefferson Road, Suite 300, Whippany, New Jersey 07981 be engaged to perform a comprehensive reassessment of all real properties, together with improvements thereon, in the Borough of Cresskill, at a cost of \$150,210.00, in accordance with the submission of its proposal dated August 19, 2011, and is more fully set forth in the annexed Agreement. This Agreement is awarded without competitive bidding as a professional service in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a), as the services to be performed are by persons authorized to practice a recognized profession ; and

BE IT FURTHER RESOLVED that the Mayor and the Borough Clerk be and hereby are authorized to execute said Agreement on behalf of the Borough of Cresskill.

Motions

82. Appoint the following to Cresskill Emergency Medical Services for a six-month probationary period: Jessica Lovell, Shafeq M. Zarif, Thomas M. Dore and Christopher Drobinske.

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

83. No one wished to be heard.
84. Motion by Council Member Olmo and seconded by Council Member Brennan to close the meeting to remarks on agenda items.

Roll Call: Yes - Unanimous Motion adopted.

85. 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.

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

Roll Call: Yes - Unanimous Motion adopted.

PRESENTATION OF BILLS

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

(Resolution in full on pages 165A through 165E.)

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.]

88. Omar Cruz, 12 Heather Hill Court said he is still having a problem with the house next door and lack of sod on the side that abuts his property. Mayor Romeo said Mr. Vaccaro will get in touch with Mike Mamo tomorrow.

Tom Tambone, 19 Evans Road asked if a “Children Playing” sign can be put up on the corner of Pierce Ave. and Evans Rd. We have more children living on Evans Rd. now and the cars drive very fast. Mayor Romeo said the Police will look at it tomorrow. Shawn Lowe, 10 Pierce Avenue said drivers barely stop at the stop sign on Pierce Ave. as if it isn’t there.

Joe Azelby, 14 Pierce Avenue said he and his neighbors are here to see what can be done to relieve the flooding in their neighborhood as well as the DPW and Jr./Sr. High School. Can we assist by approaching someone in government to seek relief from the flooding? Mayor Romeo said Senator Cardinale has been working on passing legislation to dredge the Tenakill and all the waterways connected to it.

Mayor Romeo said many areas in town that are flood zones were not flood zones when they were built on in the 1960’s. Mayor Romeo gave a brief history of the brook and swamp lands in Cresskill. In the 1950’s and 1960’s a lot of the swamp land was filled in with leaves by the DPW. Also, by Pierce Avenue there was a waterway about 100’ wide x 100’ long and 10’ deep called McCormack’s Pond. It later became a housing development. Today, all the storm drains empty into the brook and all the water runoff in town feeds into the Tenakill because there is no where else for it to go. The Army Corp of Engineers doesn’t look at us because of areas like Little Falls and Wayne. A cost analysis showed that it would cost 7.2M to dredge the Tenakill just in Cresskill. It would be futile for Cresskill to dredge if Tenafly and Demarest don’t because after the first heavy rain the water would back up into Cresskill.

Tom Durakis, 35 Pierce Avenue asked if anything could be done to add leverage with the State because the high school also floods. Mayor Romeo said a DEP representative said the high school never should have been built there. The 45 acres of land around the brook could not be built on today; it would be all wasted land.

Michele Lowe, 10 Pierce Avenue asked if the towns were talking amongst themselves regarding the flooding problem. Mayor Romeo said Senator Cardinale represents all these towns. If the legislation goes through they’ll come in and dredge and we won’t have to do anything. Hopefully it would solve the problem, but there is no pitch/grade so the Tenakill barely flows.

Daniel Haggerty, 50 Pierce Avenue said the Tenakill did flow pretty well until they rebuilt the dam in Demarest. It’s not just storm drains; it’s the sewers backing up. Is the pump house on Grant Avenue still working? Mayor Romeo said the pump house is still working, but was inundated with water from the storm. According to one of these reports, Demarest has been asked three times to remove the dam; but they think it’s picturesque and want the pond.

Administrator Vaccaro said the BCUA is doing an Inflow and Infiltration Reduction Program study. They are doing this study in town and I will speak to them about your area.

Michele Lowe said she read an article in The Record that there is E-Coli in the Tenakill. Has the brook water been tested? Mayor Romeo said there probably is E-Coli, but it will eventually flush out.

Tara Haggerty, 54 Pierce Avenue said she's concerned because every time there is flooding it seems to be pushing the trees, some of them dead, to lean more towards her house. These trees are on public land.

Shawn Lowe, 10 Pierce Avenue asked why they have to live with 1950's plumbing with all the taxes they pay. Why can't the plumbing be upgraded? Mayor Romeo said it's nationwide. The infrastructure is 50 to 60 years old in almost every city. The sewer lines work, they are just a bit antiquated. You wouldn't believe the number of brooks and streams that Cresskill has running underneath it.

Mayor Romeo said he's concerned that this we will be overshadowed by all the problems in Passaic County and the legislation will never make it to the forefront. Perhaps it can be done on a Federal level for the entire state.

Michele Lowe said in past storms they used sandbags which worked really well. We didn't have enough this time, but we would have had a lot more water if we didn't have what we did have. Chief Wrixon said they had pre-storm and post-storm briefings and sandbags was one of the things they spoke about and are going to look into.

Mayor Romeo said we will work on this and try to get some answers.

No one else wished to be heard.

89. Motion by Council Member Olmo and seconded by Council Member Brennan to close the meeting to remarks from the public.

Roll Call: Yes – Unanimous Motion adopted.

90. 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;
- personnel matters involving employment, appointment, termination, evaluation, discipline or promotion of Cresskill personnel; Court
- 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.

91. Motion at 8:35 P.M. by Council Member Olmo and seconded by Council Member Savas to adjourn the meeting.

Roll Call: Yes - Unanimous.

Motion adopted.

Benedict Romeo
Mayor

Barbara A. Nasuto
Borough Clerk