

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

JANUARY 19, 2011

1. Jeri Furio 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 7:43 P.M.
4. Present: Council Members Brennan, Cleary, Mueller, Olmo, Tsigounis
Also Present: Attorney Salvatore, Borough Officials Vaccaro, Laufeld, Chief Wrixon
Absent: Council Member Savas.
5. Motion by Council Member Olmo and seconded by Council Member Cleary to approve the minutes of the Mayor and Council Regular meeting of December 15, 2010 and Sine Die Meeting of January 1, 2011.

Roll Call: Yes – Unanimous

Motion adopted.

COMMUNICATIONS

6. Minutes of the following meeting:

Planning Board

December 28, 2010 and January 11, 2011.

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

7. Councilwoman Tsigounis said she and Councilwoman Savas attended the Library Board meeting of January 14th. Ms. Henrietta Browning was approved by the Board and will be the new Library Director.

Councilman Cleary said he has been nominated as the 4th alternate for the Bergen County Joint Insurance Fund.

NEW BUSINESS

INTRODUCTION OF ORDINANCE

Ordinance No. 11-01-1403 – Amend Chapter 6, Article 1-Environmental Commission

8. Motion at 7:45 by Council Member Tsigounis and seconded by Council Member Brennan to introduce Ordinance No. 11-01-1403 – Amend Chapter 6, Article 1-Environmental Commission on first reading by title only.

Roll Call: Yes-Unanimous

Motion adopted.

9. Council Member Tsigounis read the title:

AMEND CHAPTER 6, ARTICLE 1 - ENVIRONMENTAL COMMISSION

(Ordinance in full on page 15A)

10. Resolution by Council Member Tsigounis 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. 11-01-1403, entitled:

AMEND CHAPTER 6, ARTICLE 1 - ENVIRONMENTAL COMMISSION

does now pass on first reading and remain on file with the Borough Clerk for public inspection until public hearing thereon and further 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.

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

CONSENT AGENDA

NEW BUSINESS

*Resolutions

12. 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 181, Lot 1 for 2008, 2009 and 2010:

	<u>2008</u>	<u>2009</u>
Original Assessment:	\$ 3,805,100.00	\$3,805,100.00
Tax Court Judgment:	\$ 2,750,000.00	\$2,500,000.00
Decrease in Assessment:	\$ 1,055,100.00	\$1,305,100.00
Tax Rate:	<u>2.101</u>	<u>2.214</u>
Tax Refund:	\$ 22,167.65	\$ 28,894.91

	<u>2010</u>
Original Assessment:	\$ 3,805,100.00
Tax Court Judgment:	\$ 2,150,000.00
Decrease in Assessment:	\$ 1,655,100.00
Tax Rate:	<u>2.300</u>
Tax Refund:	\$ 38,067.30

Total: \$ 89,129.86

Check to: Kates Nussman Rapone Ellis & Farhi, LLP
 Attorneys for George Feldstein, et al
 190 Moore Street, Suite 306
 Hackensack, NJ 07601-7418

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 for overpayment of 4th quarter 2010 taxes to:

<u>BLOCK</u>	<u>LOT</u>	<u>Qualifier</u>	<u>Name</u>	<u>AMOUNT</u>
33	345		Andrew & Chang Hye Bae 216 8 th Street Cresskill, NJ 07626	\$2,495.50

14. WHEREAS, Fan Ming Lin et al. is the taxpayer of real estate known as Block 91.05, Lot 2 on the official tax map of the Borough of Cresskill and better known as 6 South Pond Road, Cresskill, New Jersey; and

WHEREAS, Fan Ming Lin et al. has made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for tax year 2009; and

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

WHEREAS, the parties have agreed that to the extent permitted by law, that the provision of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to and a final disposition of this matter for tax year 2010; and

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

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

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

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>		
91.05	2	6 South Pond Road		
<u>Year: 2009</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>	
LAND	\$ 776,400	\$ 776,400	\$ 776,400	
IMPROVEMENTS	\$ 823,600	\$ 823,600	\$ 673,600	
TOTAL	\$ 1,600,000	\$ 1,600,000	\$ 1,450,000	

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 54:51A-8 (Freeze Act) that the assessment for the property specified above be set and is hereby ratified as follows:

<u>Year: 2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 776,400	N/A	\$ 776,400
IMPROVEMENTS	\$ 823,600		\$ 673,600
TOTAL	\$ 1,600,000		\$ 1,450,000

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

<u>Year: 2011</u>	<u>Original Assessment</u>
LAND	\$ 776,400

IMPROVEMENTS	\$ 523,600
TOTAL	\$ 1,300,000

BE IT FURTHER RESOLVED that Morrison Mahoney LLP be, and hereby are, authorized to execute the Stipulation of Settlement memorializing the settlement of the matter on behalf of the Borough of Cresskill; and

BE IT FURTHER RESOLVED the proper officials be, and hereby are, authorized to make the necessary adjustments to the assessment.

15. WHEREAS, Jan Werthen is the taxpayer of real estate designated as Block 90, Lot 26 on the official tax map of the Borough of Cresskill and better known as 200 Truman Drive, Cresskill, New Jersey; and

WHEREAS, Jan Werthen has made application to the Tax Court of New Jersey to have the assessment of the property listed above for tax year 2009; 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>	<u>Lot</u>	<u>Street Address</u>		
90	26	200 Truman Drive		
<u>Year: 2009</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>		<u>Requested Tax Court Judgment</u>
LAND	\$ 703,500	N/A		\$ 703,500
IMPROVEMENTS	\$ 1,766,300			\$ 1,530,400
TOTAL	\$ 2,469,800			\$ 2,233,900

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.

16. WHEREAS, Hee Soo Chung et al. is the taxpayer of real estate designated as Block 119, Lot 32 on the official tax map of the Borough of Cresskill and better known as 5 Emerson Street, Cresskill, New Jersey; and

WHEREAS, Hee Soo Chung et al. has made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for tax year 2009; and

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

WHEREAS, the parties have agreed that to the extent permitted by law, that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to and a final disposition of this matter for the tax years 2010 and 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>	
119	32	5 Emerson Street	
<u>Year: 2009</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 313,300	\$ 313,300	\$ 313,300
IMPROVEMENTS	\$ 82,300	\$ 82,300	\$ 32,300
TOTAL	\$ 395,600	\$ 395,600	\$ 345,600

BE IT FURTHER RESOLVED that the pursuant to N.J.S.A. 54:51A-8 (Freeze Act) that the assessment of the property specified above be set and is hereby ratified as follows:

<u>Year: 2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 313,300	N/A	\$ 313,300
IMPROVEMENTS	\$ 82,300		\$ 32,300
TOTAL	\$ 395,600		\$ 345,600

<u>Year: 2011</u>	<u>Original Assessment</u>
LAND	\$ 313,300
IMPROVEMENTS	\$ 32,300
TOTAL	\$ 345,600

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.

17. WHEREAS, Anthony Hu et al. is the taxpayer of real estate designated as Block 301, Lot 36 on the official tax map of the Borough of Cresskill and better known as 19 Adams Drive, Cresskill, New Jersey; and

WHEREAS, Anthony Hu et al. has made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for tax year 2009; and

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

WHEREAS, the parties have agreed that to the extent permitted by law, that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to and a final disposition of this matter for tax year 2010; and

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

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

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

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>	
301	36	19 Adams Drive	
<u>Year: 2009</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 673,100	\$ 673,100	\$ 673,100
IMPROVEMENTS	\$ 766,400	\$ 766,400	\$ 618,150
TOTAL	\$ 1,439,500	\$ 1,439,500	\$ 1,291,250

BE IT FURTHER RESOLVED that the pursuant to N.J.S.A. 54:51A-8 (Freeze Act) that the assessment of the property specified above be set and is hereby ratified as follows:

<u>Year: 2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 673,100	N/A	\$ 673,100
IMPROVEMENTS	\$ 766,400		\$ 618,150
TOTAL	\$ 1,439,500		\$ 1,291,250

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

<u>Year: 2011</u>	<u>Original Assessment</u>
LAND	\$ 673,100
IMPROVEMENTS	\$ 469,900
TOTAL	\$ 1,143,000

BE IT FURTHER RESOLVED that Morrison Mahoney LLP be, and hereby are, authorized to execute the Stipulation of Settlement memorializing the settlement of the matter on behalf of the Borough of Cresskill; and

BE IT FURTHER RESOLVED the proper officials be, and hereby are, authorized to make the necessary adjustments to the assessment.

18. WHEREAS, John Liuzzo is the taxpayer of real estate known as Block 1.03, Lot 29 on the official tax map of the Borough of Cresskill and better known as 4 Heather Hill Court, Cresskill, New Jersey; and

WHEREAS, John Liuzzo has made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for tax year 2009; and

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

WHEREAS, the parties have agreed that to the extent permitted by law, that the provision of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to and a final disposition of this matter for tax years 2010 and 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> 1.03	<u>Lot</u> 29	<u>Street Address</u> 4 Heather Hill Court	
<u>Year: 2009</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 313,200	N/A	\$ 313,200
IMPROVEMENTS	<u>\$ 454,500</u>		<u>\$ 388,665</u>
TOTAL	\$ 767,700		\$ 701,865

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 54:51A-8 (Freeze Act) that the assessment for the property specified above be set and is hereby ratified as follows:

<u>Year: 2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 313,200	N/A	\$ 313,200
IMPROVEMENTS	<u>\$ 454,500</u>		<u>\$ 388,665</u>
TOTAL	\$ 767,700		\$ 701,865

<u>Year: 2011</u>	<u>Original Assessment</u>
LAND	\$ 313,200
IMPROVEMENTS	<u>\$ 388,665</u>
TOTAL	\$ 701,865

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.

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 53, Lot 15 for 2009 and 2010:

	<u>2009</u>	<u>2010</u>
Original Assessment:	\$680,100.00	\$680,100.00
Tax Court Judgment:	<u>\$603,800.00</u>	<u>\$603,800.00</u>
Decrease in Assessment:	\$ 76,300.00	\$ 76,300.00
Tax Rate:	<u>2.214</u>	<u>2.300</u>
Tax Refund:	\$ 1,689.28	\$ 1,754.90
TOTAL:	<u>\$3,444.18</u>	

Check to: Michael A. Vespasiano, Esq.
331 Main Street
Chatham, NJ 07928
(For: 8 Smith Terrace)

20. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that Gabriel Raybould be approved for part time employment, as needed, at the Community Center at the rate of \$10.00 an hour, effective immediately.
21. BE IT RESOLVED that the following solicitor's licenses, which have been approved by the Chief of Police, be issued under the provisions of Chapter 140 of the Code of the Borough of Cresskill for the term ending December 31, 2011:

#11-854
 Sreeharsh Dandamudi
 (Weedman/Joseph Dillon Landscaping)
 401 Washington Avenue
 Dumont, NJ 07628
 Purpose: Lawn Care Services

#11-855
 James Heron
 (Weedman/Joseph Dillon Landscaping)
 401 Washington Avenue
 Dumont, NJ 07628
 Purpose: Lawn Care Services

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 301, Lot 33 for 2009 and 2010:

	<u>2009</u>	<u>2010</u>
Original Assessment:	\$1,939,000.00	\$1,939,000.00
Tax Court Judgment:	<u>\$1,550,000.00</u>	<u>\$1,550,000.00</u>
Decrease in Assessment:	\$ 389,000.00	\$ 389,000.00
Tax Rate:	<u>2.101</u>	<u>2.300</u>
Tax Refund:	\$ 8,172.89	\$ 8,947.00
TOTAL:	<u>\$17,119.89</u>	

Check to: Cole, Schotz, Meisel, Forman & Leonard, PA.
 Attn: Carl A. Rizzo, Esq., in trust for Andrew C. Brown
 25 Main Street
 Hackensack, NJ 07601
(For: 35 Adams Drive)

23. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following refund be made for overpayment of COAH fees for new construction in connection with Block 145, Lot 303:

Fuat & Diturije Mamo
 180 11th Street
 Cresskill, NJ 07626

Refund: \$4,348.00

24. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following January 2011 payroll be ratified and approved:

<u>January 14, 2011</u>	
Current Fund	\$ 291,776.46
Social Security/Medicare	14,731.37
Community Center	<u>482.27</u>
	\$ 306,990.10

25. WHEREAS, Antonio and Maria Lopes are the taxpayers of real estate designated as Block 91.08, Lot 19 on the official tax map of the Borough of Cresskill and better known as 117 Truman Drive, Cresskill, New Jersey; and

WHEREAS, Antonio and Maria Lopes 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 to the extent permitted by law, that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to and a final disposition of this matter for tax year 2011; and

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

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

	<u>Block</u> 91.08	<u>Lot</u> 19	<u>Street Address</u> 117 Truman Drive
<u>Year: 2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 924,600	\$ 924,600	\$ 924,600
IMPROVEMENTS	\$ 1,814,700	\$ 1,814,700	\$ 1,675,400
TOTAL	\$ 2,739,300	\$ 2,739,300	\$ 2,600,000

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 54:51A-8 (Freeze Act) that the assessment for the property specified above be set and is hereby ratified as follows:

<u>Year: 2011</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 924,600	N/A	N/A
IMPROVEMENTS	\$ 1,675,400		
TOTAL	\$ 2,600,000		

BE IT FURTHER RESOLVED that Morrison Mahoney LLP be, and hereby are, authorized to execute the Stipulation of Settlement memorializing the settlement of the matter on behalf of the Borough of Cresskill; and

BE IT FURTHER RESOLVED the proper officials be, and hereby are, authorized to make the necessary adjustments to the assessment.

26. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Tax Collector be, and hereby is, authorized to effect the following tax refund due to Stipulation of Settlement on property assessment for Block 82, Lot 11 for 2008, 2009 and 2010:

	<u>2008</u>	<u>2009</u>
Original Assessment:	\$ 3,878,600.00	\$3,878,600.00
Tax Court Judgment:	\$ 3,500,000.00	\$2,750,000.00
Decrease in Assessment:	\$ 378,600.00	\$1,128,600.00
Tax Rate:	<u>2.101</u>	<u>2.214</u>
Tax Refund:	\$ 7,954.39	\$ 24,987.20

	<u>2010</u>
Original Assessment:	\$ 3,100,000.00
Tax Court Judgment:	\$ 2,750,000.00
Decrease in Assessment:	\$ 350,000.00
Tax Rate:	<u>2.300</u>
Tax Refund:	\$ 8,050.00

Total: \$ 40,991.59

Check to: Profita & Associates, LLC
 106 Grand Avenue, Suite 480
 Englewood, NJ 07631

27. WHEREAS, bids were received for the Grant Avenue Improvement Program and a contract was awarded to J. A. Alexander Inc. in the amount of \$196,450.57; and

WHEREAS, additional work was necessary due to field modifications to the drainage system 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 \$17,649.00 to J. A. Alexander Inc. in order to complete the contracted work.

28. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the firm of Mark Karavolos, MAI, SCGREA be retained to conduct real estate appraisals of property known as Block 2, Lots 6 and 7 at 133 Grant Avenue, Cresskill, NJ, to review the square footage value of said property, cost of services not to exceed \$3,250. The contract will be awarded without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1).
29. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the firm of Appraisal Consultants Corp. be retained to conduct real estate appraisals of property known as Block 180, Lots 41-45 at 69 County Road, Cresskill, NJ, to review the square footage value of said property, cost of services not to exceed \$3,250. The contract will be awarded without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1).
30. BE IT RESOLVED, by the Mayor and Council of the Borough of Cresskill that the following transfers be made in the 2010 budget appropriations:

CURRENT ACCOUNT

	<u>Account</u>	<u>From</u>	<u>To</u>
Mayor and Council – O/E	110-020	2,600.00	
General Administration – S/W	100-010		2,600.00
Streets and Roads – S/W	290-010	2,000.00	
Snow Removal – S/W	292-010		2,000.00
Tax Collection – S/W	145-010	5,000.00	
Financial Administration - O/E	130-020		5,000.00
Office of Emergency Management – O/E	252-020	3,000.00	
Police – S/W	240-010	5,000.00	
Planning Board – O/E	180-020		8,000.00
Police – S/W	240-010	10,000.00	
Legal – O/E	155-020		10,000.00
 Total		 27,600.00	 27,600.00

31. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the following be appointed assessment commissioners to make assessments for benefits in connection with the improvement of Devonshire Road and Kenilworth Drive, as provided by Ordinance 08-13-1355 and Revised Statutes 40:56-22:

William Bogen
 Charles Lehmann
 William Zally

BE IT FURTHER RESOLVED that each commissioner execute and file an oath of office with the Borough Clerk prior to starting his duties.

- 32. BET IT RESOLVED that the Mayor and Council of the Borough of Cresskill accept the resignation letter of police dispatcher Kary Battle effective January 6, 2011.
- 33. INTERBORO MUTUAL AID GROUP AGREEMENT

WHEREAS, it is the intent of the undersigned municipalities, its fire departments and respective fire companies to enter into a mutual aid and assistance program pursuant to and required be law as set forth in NJAC 5:75A-2.2; and

WHEREAS, this agreement is intended to supersede any earlier agreements which may have been signed between the parties hereto; and

WHEREAS, this agreement shall be by and between the following boroughs, towns, municipalities, fire departments and fire companies and the parties agree to be bound thereby;

Alpine	Dumont	Norwood
Bergenfield	Harrington Park	Old Tappan
Closter	Haworth	Rockleigh
Cresskill	New Milford	Tenafly
Demarest	Northvale	

WHEREAS, it is necessary to have an agreement to define the obligations and duties of the parties of the Interboro Mutual Aid Group;

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual promises and covenants contained herein, the parties covenant and agree as follows:

- (1) Call for assistance: All calls for assistance among the Mutual Aid members shall be made through the dispatch facility of the department or municipality for the department or municipality requiring assistance to the dispatch facility for the town from which assistance is requested. The request for assistance shall come from the Fire Chief or other ranking officer in charge of the fire or emergency incident. The town(s) requesting the assistance shall give the following information: location of the fire or emergency incident, route to be taken, and type of equipment requested. Towns requesting assistance shall have a police radio car on the town boundary line to meet the apparatus and escort them to the location of the fire or emergency incident if needed.
- (2) The Fire Chief, Deputy Fire Chief, Assistant Fire Chief or ranking officer in charge of the fire department that called for assistance shall be in charge of the fire or emergency incident in accordance with NJAC 5:75 et seq. Apparatus reporting in from other towns shall report to the Staging Officer or other appropriate Commander at the scene prior to placing apparatus and personnel to work.
- (3) There shall be no charge imposed against any member municipality or department receiving personnel, apparatus or equipment.
- (4) Cost recovery may only be imposed where permitted by the New Jersey Uniform Fire Code; federal, state and local laws allowing for cost recovery involving hazardous material incidents; or cost recovery that is considered recoverable under law from responsible parties.
- (5) Each of the aforementioned municipalities agrees to assume the cost of loss or damage to its own equipment.

(6) It is understood and agreed that in the event of the failure of any of the departments to respond to the call for assistance, the department and municipality failing to respond shall in no way be liable.

(7) It is understood that the Agreement will take effect and be operative by all municipalities and departments that sign same until such time as any municipality or department provides notice of their intent to withdraw from the mutual aid group. A 30-day written notice shall be given by any party to this Agreement of their intention to withdraw from this Agreement. The agreement shall remain in full force thereafter as regards the remaining signatories.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Mayor and Council of all aforementioned municipalities.

34. WHEREAS, redemption money has been received to redeem Tax Sale Certificate 200916 and 10-00013, for Block 92.07, Lot 1.06, also known as 42 County Road, in the amount of \$11,773.79 and \$21,015.14, respectively.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that, effective immediately, the amount of \$32,788.93 be paid to:

Robert Rothman
411 Grand Avenue
Englewood, NJ 07631

35. WHEREAS, Carl Stutzer, T/A 640 LLC, has applied for a Taxi Owner's License and has paid the required fees; and

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

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

License No. 11-353
2001 Ford Crown Victoria
Serial #2FAFP71W01X118298

36. WHEREAS, an application for Taxi Driver's License has been received and the applicant has complied with all provisions of the applicable ordinances;

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk be, and hereby is, authorized to issue said license for the period ending December 31, 2011 to the following:

License No. 11-354
Carl Stutzer
T/A 640 LLC
38 Broadway
Cresskill, NJ 07626

37. WHEREAS, Helewa Enterprises LLC, dba Extreme Car & Limo Service has applied for Taxi Owner's Licenses and has paid the required fees; and

WHEREAS, the vehicles have been inspected and approved by Chief Edward Wrixon;

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

License No. 11-355
2007 Lincoln Town Car
Serial #1LNHM82W27Y625403

License No. 11-356
 2009 Chevy Suburban
 Serial #1GNFK26329R263818

Motions

- 37. Appoint Michael Depalo to Recreation Committee for term ending December 31, 2013.
- 38. Appoint Nancy Bisig to Local Assistance Board for term ending December 31, 2014.
- 39. Appoint Andrew Paspalas to Library Board of Trustees for term ending December 31, 2015.
- 40. Appoint Michael Merzel to Zoning Bd. Of Adjustment for term ending December 31, 2014.
- 41. Appoint Raymond Andronaco, Gary Dadaian, Donald Skog and Janet Tessaro to Board of Health for terms ending December 31, 2013.

REMARKS FROM MEMBERS OF THE PUBLIC CONCERNING THE CONSENT AGENDA ONLY [Reported by Borough Clerk Barbara A. Nasuto.]

- 42. Richard Calabrese, 42 Engle Street asked about resolutions #17 and #18 (#28 and #29), why are we hiring appraisers. Mayor Romeo said we are looking into properties for open space. We have a grant from Green Acres. Administrator Vaccaro said we have to use appraisers approved by Green Acres to determine the value of the property and we need two appraisals for each property.
- 43. No one else wished to be heard.
- 44. 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.

- 45. Motion by Council Member Olmo and seconded by Council Member Brennan 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.

- 46. Motion by Council Member Olmo and seconded by Council Member Brennan to adopt all items with an asterisk as a single question.

Roll Call: Yes - Unanimous Motion adopted.

PRESENTATION OF BILLS

- 47. Resolution by Council Member Olmo and seconded by Council Member Cleary:

(Resolution in full on pages 26A through 26E.)

Roll Call: Yes – Unanimous Resolution adopted.

REMARKS FROM THE PUBLIC FOR THE GOOD AND WELFARE OF THE BOROUGH [Reported by Borough Clerk Barbara A. Nasuto.]

- 48. Richard Calabrese, 42 Engle Street said the Borough makes rules and never enforce them. He has a neighbor who had their dog unleashed. He gave them a copy of the rules and they went to the police and said I made a terroristic threat against their dog. The dog

was running wild. Now people moved onto the street. They put white goods at the curb and it is now snowed in. The DPW are not going to dig it out of the snow. Mayor Romeo said he was not aware there were white goods on Engle Street and if you give me the address, I will write a letter. Mr. Calabrese said he lives up the street from these people and doesn't understand why the neighbors directly on either side and across the street do not complain. I would like to know who enforces these rules. Mayor Romeo said we have a Code Enforcement Officer. Mr. Calabrese asked about a public notice he saw in the Record about today was the day to see the property assessments from 8:00 am to 5:00 pm. There is a sign on the door saying the Assessor will not be in. Isn't this public records and why was it noticed only for one particular day. CFO Laufeld said by law you have to have one day set aside to look at the assessments. The residents can check their property and if there is a mistake, it can be corrected. Mr. Calabrese asked who is his boss? Mayor Romeo said Councilman Mueller is his boss. Mr. Calabrese again asked about the assessment of his neighbor's property which is listed at 100 foot depth and is actually 125 feet. Nothing has been done about it and I have asked since 2004. Councilman Mueller will look into this.

No one else wished to be heard.

49. 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.

50. Motion at 8:08 P.M. by Council Member Olmo and seconded by Council Member Brennan to adjourn the meeting.

Roll Call: Yes - Unanimous. Motion adopted.

Benedict Romeo
Mayor

Barbara A. Nasuto
Borough Clerk