

## BOROUGH OF CRESSKILL

## MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

DECEMBER 1, 2010

1. Barbara Mann 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 7:33 P.M.
4. Present: Council Members Brennan, Cleary, Mueller, Olmo, Savas, Tsigounis  
Also Present: Attorney Salvatore, Borough Officials Vaccaro, McKim, Mann, Chief Wrixon
5. Motion by Council Member Savas and seconded by Council Member Cleary to approve the minutes of the Mayor and Council Regular meeting of November 3, 2010.

Roll Call: Yes – Unanimous

Motion adopted.

## COMMUNICATIONS

6. Minutes of the following meetings:

Community Center Board of Trustees	October 11, 2010
Environmental Commission	October 21, 2010
Planning Board	Oct. 26 & Nov. 9, 2010

Filed.

## REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Savas said this Friday the Municipal Alliance is sponsoring open gym night at the Community Center.  
The Library Search Committee has made a decision on Alice Chi's replacement. The Board of Trustees will vote at the next meeting on December 13, 2010.  
The Board of Health has submitted their 2011 budget.  
Many of the Council Members attended the League of Municipalities Conference and I would like to thank Chuck Vaccaro for hosting us.

Council Member Tsigounis thanked the Borough for sending her to the conference. I found the workshops very enlightening and it inspires you to put your best effort forth and encourage members of the community to join a committee.

Council Member Brennan said the conference was a good and it was nice meeting new people and officials from other towns.

Council Member Olmo said the High School held a seminar for parents on checking their children's computers for child predators and other suspicious activity.

Council Member Cleary said he has been appointed to the Executive Board of the JIF. Mayor Romeo congratulated him.

## UNFINISHED BUSINESS

## ORDINANCE ON FINAL READING

Ordinance No. 10-23-1402 – Amend Chapter 263-43. Schedule XII: Bus Stops

8. Motion at 7:38 P.M. by Council Member Brennan and seconded by Council Member Olmo to introduce Ordinance No. 10-23-1402 - Amend Chapter 263-43, Schedule XII: Bus Stops on final reading by title only.

Roll Call: Yes – Unanimous Motion adopted.

9. Council Member Brennan read the title:

## AMEND CHAPTER 263-43, SCHEDULE XII: BUS STOPS

(Ordinance in full on page 182A of Minutes of Regular Mayor and Council Meeting held November 3, 2010.)

10. The Borough Clerk announced that the ordinance was published in The Record on November 8, 2010, 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. Pat Foley, 306 11<sup>th</sup> Street said she is not happy about the location of the bus stop and the way it was published in the newspaper made it sounds like it's a done deal. It's a new bus line, why can't it stop at the Circle where there's already a bus stop? She also wanted to know if a bus shelter was going up. Chief Wrixon said there would not be a shelter, only a sign and the Circle was not an option given to us. Mayor Romeo said it has not been approved as of yet. New Jersey Transit wanted to put in (4) stops, but we only agreed to the one. We had to locate it over the top of the hill on Madison Avenue for safety reasons. Chief Wrixon said they would keep an eye on it and readdress the location with NJT if it causes a problem. Mayor Romeo said they expect the volume of use to be minimal. Council Member Mueller recommended we Table the Ordinance until the possibility of relocating the bus stop to the Circle can be addressed.

No one else wished to be heard.

13. Motion by Council Member Brennan and seconded by Council Member Mueller to close the public hearing.

Roll Call: Yes – Unanimous Motion adopted.

14. Motion by Council Member Brennan and seconded by Council Member Mueller to Table Ordinance No. 10-23-1402 until the Mayor and Council meeting of December 15, 2010.

Roll Call: Yes – Unanimous Motion adopted.

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

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## CONSENT AGENDA

## NEW BUSINESS

\*Resolutions

16. WHEREAS, Bibamus Properties, LLC is the taxpayer of real estate known as Block 53, Lot 15 and better known as 8 Smith Terrace, Cresskill, New Jersey; and

WHEREAS, Bibamus Properties, LLC has made application to the Tax Court of New Jersey to have the assessment for tax year 2009 of the property listed above adjusted; 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 year 2010; 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 assessment of the property specified below be and is hereby ratified as follows:

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>		
53	15	8 Smith Terrace		
<u>Year: 2009</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>		<u>Requested Tax Court Judgment</u>
LAND	\$ 340,000.00	\$ 340,000.00		\$ 340,000.00
IMPROVEMENTS	<u>\$ 340,100.00</u>	<u>\$ 340,100.00</u>		<u>\$ 263,800.00</u>
TOTAL	\$ 680,100.00	\$ 680,100.00		\$ 603,800.00
<u>Year: 2010</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>		<u>Requested Tax Court Judgment</u>
LAND	\$ 340,000.00	N/A		\$ 340,000.00
IMPROVEMENTS	<u>\$ 358,100.00</u>	N/A		<u>\$ 263,800.00</u>
TOTAL	\$ 698,100.00			\$ 603,800.00

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.

17. WHEREAS, the Mayor and Council of the Borough of Cresskill authorizes the Tax Collector to process the cancellation of tax refunds and/or delinquencies; and

WHEREAS, the following 2009 tax account overpayments remain un-returnable:

<u>Block</u>	<u>Lot</u>	<u>Qualifier</u>	<u>Amount</u>
22	40		\$ 14.95
41	1.06	CO01B	12.88
41	1.06	CO01I	25.00
92.05	22		23.00
107	11		29.19
150	5		126.00
150	9		89.00
179	70		271.00
186	24		<u>63.00</u>
TOTAL			\$ 654.02

WHEREAS, it is necessary to formally cancel said tax overpayments so that the total of \$ 654.02 may be transferred to surplus;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the above items be cancelled.

18. 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 4<sup>th</sup> quarter 2009 taxes to:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
210	21	Jong Hwan & Ashley Jun 269 Truman Dive Cresskill, NJ 07626	\$1,785.20
32	365	Ms. Patricia H. Fritz 163 Magnolia Avenue Cresskill, NJ 07626	\$1,639.00

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 refunds for overpayment of 4<sup>th</sup> quarter 2010 taxes to:

<u>BLOCK</u>	<u>LOT</u>	<u>Qualifier</u>	<u>Name</u>	<u>AMOUNT</u>
29	3	C0035	Donald Schmidt PO Box 538 Closter, NJ 07624 (Re: 134 Stonegate Trail)	\$ 605.00
29	3	C0041	Donald Schmidt PO Box 538 Closter, NJ 07624 (Re: 140 Stonegate Trail)	\$ 605.00
35	231.01		15 Wakelee Drive Corp. 127 South Washington Avenue Bergenfield, NJ 07621 (Re: 189 Sixth Street)	\$3,287.00
128	44		Steven & RoseMarie Arrigale 105 14 <sup>th</sup> Street Cresskill, NJ 07626	\$1,685.02
90	24		Rio Vista, LLC 767 Fifth Ave., 44 <sup>th</sup> Floor New York, NY 10153 (Re: 188 Truman Drive)	\$7,440.00
90	25		Rio Vista, LLC 767 Fifth Avenue, 44 <sup>th</sup> Floor New York, NY 10153 (Re: 194 Truman Drive)	\$7,440.00
102	15		Ronald D. Cutro Jr. et al 448 12 <sup>th</sup> Street Cresskill, NJ 07626	\$2,500.00
92	20		Ronald & Ann M. Kutzin 41 Engle Street Cresskill, NJ 07626	\$2,252.00

210	11		Martine & Alice Lee Robinson 55 Eisenhower Drive Cresskill, NJ 07626	\$1,744.00
29	3	C0015	Asema & Javed Karim 114 Stonegate Trail Cresskill, NJ 07626	\$2,999.00
147	28		Chang Seup Lee 58 Glenview Terrace Cresskill, NJ 07626	\$1,545.00
301	1		Brett & Deborah Spindler 308 Truman Drive Cresskill, NJ 07626	\$ 146.00
90.01	21		Gregory & Natalie Amerkanian 17 Loman Court Cresskill, NJ 07626	\$ 146.40
147	14		Ted & Kathy Jesson 30 Glenview Terrace Cresskill, NJ 07626	\$ 208.70
179	19		Investors Savings Bank 101 JFK Parkway Short Hills, NJ 07078 <i>(Re: 130 Madison Ave.)</i>	\$ 450.00
122	459		LPS Property Tax Solutions 3100 New York Drive Suite #100 Pasadena, CA 91107 <i>(Re: 315 12<sup>th</sup> Street)</i>	\$7,990.66
116	33		Linda Wang & Louis Jan 98 Roosevelt Street Cresskill, NJ 07626	\$2,717.00

20. WHEREAS, the following Swim Pool Operating Fund budget appropriation balances remain unexpended:

Salaries and Wages	\$26,000.00
Other Expenses	10,000.00
Social Security	<u>1,000.00</u>
<b>TOTAL</b>	<b>\$37,000.00</b>

WHEREAS, as it is necessary to formally cancel said balances so that the unexpended balances may be credited to Surplus;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Cresskill, that the above listed unexpended balances of the Swim Pool Operating Fund be cancelled.

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 90.01, Lot 18.02 for 2008:

2008

Original Assessment: \$28,600.00

Tax Court Judgment:	\$14,333.00
Decrease in Assessment:	\$14,267.00
Tax Rate:	<u>2.101</u>
Tax Refund:	\$ 299.75

Check to: Scott D. Heller, Esq.  
Trustee for Heller  
530 Sylvan Avenue, 2<sup>nd</sup> Floor, Suite 1  
Englewood Cliffs, NJ 07632

22. WHEREAS, the following permits have been issued under Section 132-91 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	3916	Richard and Helen Brender 46 7 <sup>th</sup> Street Cresskill, NJ 07626	\$50.00
132-91	3919	A. Macchione Brothers, Inc. 71 South Newman Street Hackensack, NJ 07601 (for: 454 Knickerbocker Road)	\$50.00

23. 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>
Fire Hydrant Service	257-020	1,000.00	
Water – O/E	445-020		1,000.00
Engineering – O/E	165-020	1,000.00	
Planning Board – O/E	180-020		1,000.00
Telephone	440-020	5,000.00	
Tax Assessment – O/E	150-020		5,000.00
Fire Hydrant Service	257-020	5,000.00	
Legal – O/E	155-020		5,000.00
Tax Collection – S/W	145-010	5,000.00	
Legal – O/E	155-020		5,000.00
Gasoline	460-020	2,000.00	
Landfill Disposal Costs	465-020		2,000.00
Police – O/E	240-020	15,000.00	
Legal – O/E	155-020		15,000.00
Construction Code – S/W	195-010	1,200.00	
Plumbing Inspector – S/W	196-010		1,200.00

Construction Code – S/W	195-010	600.00	
Electrical Inspector – S/W	197-010		600.00
TOTAL		35,800.00	35,800.00

24. 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 27, Lot 69.01 for 2010:

2010

Original Assessment:	\$1,900,000.00
Tax Court Judgment:	<u>\$1,675,000.00</u>
Decrease in Assessment:	\$ 225,000.00
Tax Rate:	<u>2.30</u>
Tax Refund:	\$ 5,175.00

Check to: Beattie Padovano Trust Account  
Beattie Padovano, LLC  
50 Chestnut Ridge Road  
Montvale, NJ 07645-0244  
(For: 350 Madison Avenue)

25. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following November and December 2010 payrolls be ratified and approved:

November 19, 2010

Current Fund	\$ 221,017.10
Social Security/Medicare	9,083.16
Community Center	<u>1,601.88</u>
	\$ 231,702.14

December 3, 2010

Current Fund	\$ 216,615.88
Social Security/Medicare	8,605.03
Community Center	<u>1,507.14</u>
	\$ 226,728.05

26. WHEREAS, 105 Union Ave. LLC is the taxpayer – owner of real estate known as Block 71, Lot 3 and better known as 105 Union Avenue, Cresskill, New Jersey; and

WHEREAS, 105 Union Ave. LLC has made application to the Tax Court of New Jersey to have the assessments of the property listed above adjusted for tax years 2007, 2008 and 2009; and

WHEREAS, the parties to said action have agreed upon an adjustment of the assessments; 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 assessment of the property specified below be and is hereby ratified as follows:

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>
71	3	105 Union Avenue

<u>Year: 2007</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 1,098,000	DIRECT	\$ 1,098,000
IMPROVEMENTS	<u>\$ 747,000</u>	APPEAL	<u>\$ 747,000</u>
TOTAL	\$ 1,845,000		\$ 1,845,000

<u>Year: 2008</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 1,098,000	DIRECT	\$ 1,098,000
IMPROVEMENTS	<u>\$ 747,000</u>	APPEAL	<u>\$ 647,000</u>
TOTAL	\$ 1,845,000		\$ 1,745,000

<u>Year: 2009</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$1,098,000	DIRECT	\$ 1,098,000
IMPROVEMENTS	<u>\$ 747,000</u>	APPEAL	<u>\$ 502,000</u>
TOTAL	\$1,845,000		\$ 1,600,000

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.

27. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the Mayor and Borough Clerk are authorized to execute the Agreement with the Cresskill Board of Education for the use of the Tallman House for the school year from September 1, 2010 through July 31, 2011.

#### Miscellaneous Business

28. Approve the following Raffle Licenses:

RL 1304	HSA St. Therese School	Feb. 1, 2011 – May 31, 2011
RL 1305	Cresskill HS Athletic Booster Club	March 24, 2011

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

29. Richard Calabrese, 42 Engle Street asked about Resolution #4 (#19), how do people overpay their 4<sup>th</sup> quarter taxes? Mayor Romeo said the majority is due to refinancing. Mayor Romeo said we are meeting with a company regarding a reassessment in 2011. They will be giving a presentation at an upcoming meeting.

Mr. Calabrese asked about Resolution #12 (#27). Mayor Romeo said a class is held at the Tallman House for Special Needs students that have graduated high school, but not quite ready to be mainstreamed into the workforce. They come from the surrounding areas and are taught the basics like balancing a checkbook, shopping, etc. and the school helps them get jobs. The Board of Education gets \$20,000 for the program and they in turn pay us \$10,000 for the use of the Tallman House.

No one else wished to be heard.

30. Motion by Council Member Savas and seconded by Council Member Olmo to close the meeting to remarks on agenda items.

Roll Call: Yes - Unanimous Motion adopted.

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

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

Roll Call: Yes - Unanimous Motion adopted.

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#### PRESENTATION OF BILLS

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

(Resolution in full on pages 199A through 199F.)

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.]

34. Mayor Romeo said we did not get the amount of food we had hoped going door to door at the recent food drive, but the schools collected a lot from the students.

No one else wished to be heard.

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

Roll Call: Yes – Unanimous Motion adopted.

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

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; Police

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;

