

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

DECEMBER 15, 2010

1. Alice Chi 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 7:40 P.M.
4. Present: Council Members Brennan, Cleary, Mueller, Olmo, Savas, Tsigounis
Also Present: Attorney Salvatore, Borough Officials Vaccaro, Laufeld, McKim, Mann, Chi, E. Cleary, Chief Wrixon
5. Motion by Council Member Savas and seconded by Council Member Olmo to approve the minutes of the Mayor and Council Regular meeting of December 1, 2010.

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

6. Mayor Romeo read a Proclamation and Council Members Savas and Tsigounis presented a gift and the Proclamation to Library Director Alice Chi who will retire the end of the year.

(Proclamation in full on page 201A.)

7. Ms. Chi thanked Mayor Romeo, the Council Members and everyone who work at the Borough Hall for all their help and support over the years. They've all helped to make the Library work. Only yesterday, we needed the Police and (2) officers came right away and resolved the issue. The Mayor and Council wished Alice well in her retirement.

COMMUNICATIONS

8. Minutes of the following meetings:

Environmental Commission	Oct. 21 and Nov. 18, 2010
Board of Health	September 27, 2010
Planning Board	November 23, 2010

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

9. Council Member Savas said the Library Board unanimously selected Henrietta Browning as Alice Chi's replacement as Library Director. The Board will send a letter to the Mayor and Council with their recommendation. They will then look to replace Henrietta as Adult Librarian.

Council Member Olmo said the DPW were out salting during the snow storm.

Council Member Mueller said he was happy we worked out the bus stop ordinance to the satisfaction of the ladies who voiced concern at the last public meeting.

UNFINISHED BUSINESS

ORDINANCE ON FINAL READING

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

10. Motion at 7:47 P.M. by Council Member Brennan and seconded by Council Member Savas 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.

11. 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.)

12. 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.
13. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
14. No one wished to be heard.
15. Motion by Council Member Brennan and seconded by Council Member Olmo to close the public hearing.
- Roll Call: Yes – Unanimous Motion adopted.
16. Resolution by Council Member Brennan and seconded by Council Member Olmo:

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. 10-23-1402, entitled:

AMEND CHAPTER 263-43. SCHEDULE XII: BUS STOPS

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

Roll Call: Yes – Unanimous Resolution adopted.

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

CONSENT AGENDA

NEW BUSINESS

*Resolutions

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

WHEREAS, the participants are unable to attend;

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

Sally Cummings
(for: Evan Gundling)
 168 10th Street
 Cresskill, NJ 07626

Amount: \$140.00

Janet Black
(for: Samantha Black)
 26 Glenview Terrace
 Cresskill, NJ 07626

Amount: \$70.00

Caixia Zhang
(for: Jason & Jeslyn Zhang)
 39 Milton Street
 Cresskill, NJ 07626

Amount: \$120.00

Darrin Oppenheim
(for: Sabrina Oppenheim)
 7 Huyler Landing Road
 Cresskill, NJ 07626

Amount: \$70.00

Laura Hollenfer
(for: Tara Hollenfer)
 62 Monroe Street
 Cresskill, NJ 07626

Amount: \$70.00

Rita Iannuzzi
(Brianna Iannuzzi)
 356 11th Street
 Cresskill, NJ 07626

Amount: \$60.00

Jennifer Kim
(Timothy Kim)
 91 Roosevelt Street
 Cresskill, NJ 07626

Amount: \$15.00

Kumiko Wegner
(Lisa Wegner)
 7 Holly Lane
 Cresskill, NJ 07626

Amount: \$70.00

Robert Moarkech
(Celine Moarkech)
 176 5th Street
 Cresskill, NJ 07626

Amount: \$70.00

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 4th quarter 2010 taxes to:

<u>BLOCK</u>	<u>LOT</u>	<u>Qualifier</u>	<u>Name</u>	<u>AMOUNT</u>
48	647		Heung Shup & Kyung Hwa Lee 65 Evergreen Avenue Cresskill, NJ 07626	\$2,239.04
85	65		Edward & Milena B. Rashba 275 Engle Street, Apt. 2 Englewood, NJ 07631 <i>(Re: 5 Center Street)</i>	\$ 179.40

20. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following persons be, and hereby are, appointed as part-time School Crossing Marshals:

<u>Name</u>	<u>Effective Date</u>	<u>Salary</u>
Richard Donahue,	September 2, 2010	\$18.33/hr.
Christine McNamara	October 20, 2010	\$15.23/hr.

21. WHEREAS, a Sewer Extension Agreement was signed between the Borough of Cresskill and the Borough of Alpine and Rio Vista Associates, Inc. on August 25, 1980; and

WHEREAS, the Bergen County Utilities Authority increased its maintenance and operation charges to the Borough of Cresskill; and

WHEREAS, Paragraph 7 of the above mentioned contract states as follows:

“In the event the Borough of Cresskill determines that the costs for such operation, maintenance, repair or replacement exceed the amount contemplated when the fees for the current year were set, the Borough of Cresskill, in its sole discretion may incur such costs and charge them to the benefited homeowners in the Borough of Alpine either as an assessment or may add the cost to the current fees in which event the Borough of Cresskill shall have a lien for such additional costs upon the property served until such charge is paid”;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the Cresskill-Alpine-Rio Vista Associates, Inc. Sewer Extension Agreement, Paragraph 7, the maintenance fee to be charged to the residents of Alpine is increased from a yearly sum of \$700.00 per residential dwelling to \$800.00 per residential dwelling; and

BE IT FURTHER RESOLVED that pursuant to Paragraph 10 of the Agreement, the increased charge to the residents of Alpine shall become effective January 1, 2011.

22. WHEREAS, Arnold Serchuk is the taxpayer of real estate known as Block 301, Lot 3 on the official tax map of the Borough of Cresskill and better known as 260 Wilson Drive, Cresskill, New Jersey; and

WHEREAS, Arnold Serchuk 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 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 assessment of the property specified below be and is hereby ratified as follows:

<u>Block</u>	<u>Lot</u>	<u>Street Address</u>	
301	3	260 Wilson Drive	
<u>Year: 2009</u>	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
LAND	\$ 671,300	DIRECT	\$ 671,300
IMPROVEMENTS	<u>\$ 1,033,700</u>	APPEAL	<u>\$ 594,100</u>
TOTAL	\$ 1,705,000		\$ 1,265,400

BE IT FURTHER RESOLVED that the adjustment pursuant to N.J.S.A. 54:51A-8 (Freeze Act) of the assessment of the property specified above be 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	\$ 671,300	DIRECT	\$ 671,300
IMPROVEMENTS	<u>\$ 1,010,200</u>	APPEAL	<u>\$ 594,100</u>
TOTAL	\$ 1,681,500		\$ 1,265,400

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

<u>Year: 2011</u>	<u>Original Assessment</u>
LAND	\$ 671,300
IMPROVEMENTS	<u>\$ 594,100</u>
TOTAL	\$ 1,265,400

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

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

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

December 17, 2010

Current Fund	\$ 242,614.89
Social Security/Medicare	9,794.04
Community Center	<u>1,334.90</u>
	\$ 253,743.83

24. 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>
Municipal Court – O/E	490-020	500.00	
Municipal Court – S/W	490-010		500.00
Streets and Roads – O/E	290-020	32,000.00	
Streets and Roads – S/W	290-010		32,000.00
Telephone	440-020	4,000.00	
Recreation – S/W	370-010		4,000.00
Public Health – O/E	330-020	1,000.00	
Public Health – S/W	330-010		1,000.00
First Aid Organization – O/E	260-020	3,000.00	
General Administration – S/W	100-010		3,000.00
Engineering – O/E	165-020	5,000.00	
Planning Board – O/E	180-020		5,000.00
First Aid Organization – O/E	260-020	5,000.00	
Police – O/E	240-020	20,000.00	
Emergency Management – O/E	252-020	5,000.00	
Social Security	472-000	5,000.00	
Legal – O/E	155-020		35,000.00
Fire Alarm System – O/E	258-020	1,000.00	
Fire Hydrant Service – O/E	257-020		1,000.00

Natural Gas	446-020	1,000.00	
Street Lighting	435-020		1,000.00
Natural Gas	446-020	1,000.00	
Water	445-020		1,000.00
First Aid Organization – O/E	260-020	2,000.00	
Municipal Clerk – O/E	120-020		2,000.00
Total		85,500.00	85,500.00

25. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following be approved for employment, with no benefits, as part-time Police Dispatchers in the Cresskill Police Department at a salary of \$12.50 per hour:

<u>Name</u>	<u>Effective Date</u>
Kristina Reissner	July 22, 2010
Daniel Hargrave	April 26, 2010
Anthony Gallo	December 15, 2010

26. A RESOLUTION AUTHORIZING THE BOROUGH OF CRESSKILL TO RETAIN LEGAL COUNSEL FOR THE MATTER OF SOKOLIN/O’GORMAN vs. RIO VISTA REALTY, et al.

WHEREAS, the Borough Council of the Borough of Cresskill (hereinafter referred to as “Borough Council”) deems it to be in the best interests of the Borough to retain the legal services of an attorney to serve as co-counsel to the Borough in reference to the above matter;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that Kenneth E. Meiser, Esq. be and is hereby retained to represent the Borough as co-counsel with respect to the above matter;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the cost of such representation will be \$170.00 per hour; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Borough Attorney be authorized to execute a retainer agreement with said co-counsel upon the terms set forth herein.

Miscellaneous Business

27. Approve the following Raffle Licenses:

RL 1306	HSA Cresskill JR/SR High School	January 20, 2011
RL 1307	Cresskill Senior Citizens Organization	Jan. 10 & 24, Feb. 14 & 28, Mar. 14 & 28, & Apr. 11, 2011

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

28. Richard Calabrese, 42 Engle Street asked why in Resolution #3 (#20) the salaries are different for the same position; Resolution #8 (#25), a resolution is being passed tonight for Police Dispatchers that were hired months ago and Resolution #9 (#26), who is suing who that you need to hire an attorney?
 Chief Wrixon said the salary difference is because one Crossing Guard has experience and the other doesn't. The dispatchers were an oversight on my part. I neglected to request a resolution be done when they were hired.
 Attorney Salvatore said Resolution #9 (#26) involves litigation and cannot be discussed at this time.

Mayor Romeo said they met with a representative who will bring in a bid regarding conducting the reassessment. Many other towns are also having reassessments.

No one else wished to be heard.

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

Roll Call: Yes - Unanimous Motion adopted.

30. Motion by Council Member Savas 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.

31. Motion by Council Member Savas 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

32. Resolution by Council Member Olmo and seconded by Council Member Cleary:

(Resolution in full on pages 207A through 207E.)

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.]

33. Mayor Romeo wished everyone Happy Holidays and Happy New Year from the Mayor and Council. We will resume the Sine Die meeting on January 1st at 11:30 am.

Mr. Calabrese asked about items off the Bill List from the COW meeting last week. There was a check for \$6,000 for Police Dept. chairs and \$8,000 for a Fire Dept. function. Chief Wrixon said they needed to replace a lot of chairs because they were breaking. Mayor Romeo said the \$8,000 was for the Fireman's dinner held yearly for our volunteers. Mr. Calabrese asked about a check off the current Bill List for \$9,000 for the rental of the Fire Dept. Mayor Romeo explained when the Fire House was built on Madison Ave.; the agreement was the Fire Association would own the property as long as it remained a Fire House. We rent the apparatus room from them and with those funds they pay the utilities and maintain the building.

Pauline Rooney, 5 Tenakill Park Drive asked when the building that housed Mooseheads is going to be taken down. Mayor Romeo said we are waiting for the deeds to the easements from CSX railroad. Everything is in their hands down in Jacksonville, Florida. We can't do anything until we get final approval from CSX. Everything else is in order. Mr. Salvatore has been on the phone numerous times and they do not move very quickly. Mrs. Rooney said the door to Daibes garbage is always left open and someone could hit it with their car. Mayor Romeo asked Administrator Vaccaro to call Mr. Daibes about the garbage door.

No one else wished to be heard.

34. 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.

35. Motion at 8:02 P.M. by Council Member Savas and seconded by Council Member Olmo to adjourn to Sine Die.

Roll Call: Yes - Unanimous.

Motion adopted.

Benedict Romeo
Mayor

Barbara A. Nasuto
Borough Clerk