

PUBLIC MEETING – Wednesday, January 12, 2011 at 8:00 p.m.

There will be a Public Meeting of the Mayor and Council of the Borough of Glen Rock on Wednesday, January 12, 2011, at 8:00 p.m. in the Council Chambers of the Municipal Building.

Agenda: (May be subject to change)

1. CALL TO ORDER /ROLL CALL

This meeting is called pursuant to the provisions of the Open Public Meeting Law. This Meeting was included in a list of meeting notices sent to the Bergen Record and advertised in said newspaper in January, posted on the bulletin board in the Municipal Building, and has remained continuously posted as the required notices under the Statue. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

In accordance with the New Jersey State Fire & Safety Code I call your attention to the lighted exit signs. In the event the alarm sounds, move in an orderly manner toward the exit nearest you and leave the building.

**Council Member O’Hagan – present
Council Member Orseck – present
Council Member Biggs – present**

**Council Member Pazan – present
Council Member Surrago – present
Council Member Nogara - present**

2. FLAG SALUTE/ANNOUNCEMENTS

Borough Attorney Robert Garibaldi led the Council and audience in the flag salute.

3. CONSENT AGENDA

All items listed are considered to be routine and non-controversial by the Borough Council and will be approved by one motion. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item(s) will be removed from the Consent Agenda and considered in its normal sequence on the agenda. The one motion signifies adoption of all resolutions, received and filed letters, correspondence, reports and approval of applications and minutes.

Resolutions:

1. Resolution Approval of Minutes (12/29/10)

**Resolution No. 35-11
Offered by Council Member Orseck
Seconded by Council Member Nogara**

BE IT RESOLVED, that the Minutes of:

Meeting of 12/29/10

Be accepted as submitted.

ROLL CALL:

Council Member O'Hagan – yes
Council Member Orseck - yes
Council Member Biggs - yes

Council Member Pazan - yes
Council Member Surrago - yes
Council Member Nogara - yes

2. Resolution for Professional Services for Auditor

Resolution No.: 36-11

Offered by Council Member: Orseck

Seconded by Council Member: Nogara

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT

WHEREAS, the Borough of Glen Rock is in need of professional engineering services for the year 2011 to advise and assist the Governing Body, Planning and Zoning Boards, and the administrative staff members, and to undertake and complete various capital projects and grant applications; and

WHEREAS, Lerch, Vinci & Higgins, LLP has submitted a proposal dated January 5, 2011, setting forth the anticipated hourly charges/costs to be assessed to the Borough of Glen Rock for the 2011 contract term; and

WHEREAS, pursuant to the provisions of the New Jersey Campaign Contribution and Expenditures Reporting Act, specifically N.J.S.A. 19:44A-205, the Borough has determined and certified in writing that the value of the services will exceed \$17,500.00; and

WHEREAS, Lerch, Vinci & Higgins, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that Lerch, Vinci & Higgins, LLP has not made any reportable contributions to a political or candidate committee in the Borough of Glen Rock, in the previous one year and that the contract will prohibit Lerch, Vinci & Higgins, LLP from making any reportable contributions through the term of the contract; and

WHEREAS, the Governing Body has determined that Lerch, Vinci & Higgins, LLP to be the most qualified firm to assist the Borough in its engineering needs for 2011; and

WHEREAS, engineering services are a professional service exempt from public bidding requirements, but notice of this resolution must be published in a legal newspaper as required by the Local Public Contracts Law; and

NOW THEREFOR BE IT RESOLVED, by the Borough Council of Glen Rock, that the Borough Administrator is hereby authorized to enter into a contract with Lerch, Vinci & Higgins, LLP as declared herein to provide engineering services to the Borough for 2011; and be it further,

RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution; and be it further,

RESOLVED, that the Borough Clerk shall cause to be published, notification of the award of the Professional Services Contract as required by the Local Public Contracts Law.

ROLL CALL:

Council Member O’Hagan – yes
Council Member Orseck – yes
Council Member Biggs - yes

Council Member Pazan - yes
Council Member Surrago - yes
Council Member Nogara - yes

3. Resolution for Professional Services for Bond Counsel

Resolution No.: 37-11

Offered by Council Member: Orseck

Seconded by Council Member: Nogara

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT

WHEREAS, the Borough of Glen Rock is in need of professional engineering services for the year 2011 to advise and assist the Governing Body, Planning and Zoning Boards, and the administrative staff members, and to undertake and complete various capital projects and grant applications; and

WHEREAS, Rogut McCarthy, LLC has submitted a proposal dated January 5, 2011, setting forth the anticipated hourly charges/costs to be assessed to the Borough of Glen Rock for the 2011 contract term; and

WHEREAS, pursuant to the provisions of the New Jersey Campaign Contribution and Expenditures Reporting Act, specifically N.J.S.A. 19:44A-205, the Borough has determined and certified in writing that the value of the services will exceed \$17,500.00; and

WHEREAS, Rogut McCarthy, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Rogut McCarthy, LLC has not made any reportable contributions to a political or candidate committee in the Borough of Glen Rock, in the previous one year and that the contract will prohibit Rogut McCarthy, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Governing Body has determined that Rogut McCarthy, LLC to be the most qualified firm to assist the Borough in its engineering needs for 2011; and

WHEREAS, engineering services are a professional service exempt from public bidding requirements, but notice of this resolution must be published in a legal newspaper as required by the Local Public Contracts Law; and

NOW THEREFOR BE IT RESOLVED, by the Borough Council of Glen Rock, that the Borough Administrator is hereby authorized to enter into a contract with Rogut McCarthy, LLC as declared herein to provide engineering services to the Borough for 2011; and be it further,

RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution; and be it further,

RESOLVED, that the Borough Clerk shall cause to be published, notification of the award of the Professional Services Contract as required by the Local Public Contracts Law.

ROLL CALL:

Council Member O’Hagan – yes
Council Member Orseck – yes
Council Member Biggs - yes

Council Member Pazan - yes
Council Member Surrago - yes
Council Member Nogara - yes

4. Resolution Authorizing GRBA for Field Renovation

Resolution No. 38-11

Offered by Council Member Orseck

Seconded by Council Member Nogara

WHEREAS, the Borough of Glen Rock has been presented with a proposal in the amount of \$12,400 from Advanced Athletic Services on behalf of the Glen Rock Baseball Association (GRBA), to make various repairs at Hamilton Ball Field and Wilde Memorial Park Ball Field as recommended by the GRBA; and

WHEREAS, pursuant to N.J.S.A. 40A:5-29, a municipality is authorized and empowered to accept gifts and to utilize same in any manner set forth in such gift not inconsistent with the law; and

WHEREAS, the Borough of Glen Rock is desirous of accepting the gift, and will provide oversight of the project by our Recreation Director Mark Barone.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of Glen Rock, that pursuant to N.J.S.A. 40A:5-29 the Borough does hereby accept with great appreciation that the GRBA will initiate and fund the project to make various repairs to the Ball Fields at Hamilton and Wilde Memorial Park, as per the proposal from Advanced Athletic Services in the amount of \$12,400.

ROLL CALL:

Council Member O’Hagan – yes
Council Member Orseck – yes
Council Member Biggs – yes

Council Member Pazan - yes
Council Member Surrago – yes
Council Member Nogara - yes

5. Resolution for Tax Appeal Block 115, Lot 23

Resolution No. 39-11

Offered by Council Member Orseck

Seconded by Council Member Nogara

**RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT
(BLOCK 115, LOT 23)**

WHEREAS, there is pending before the Tax Court of New Jersey, the matter of Glen Rock Main, LLC v. Borough of Glen Rock for the tax years 2009 (Docket No. 016713-2009) and 2010 (Docket No, 004022-2010); and

WHEREAS, the Borough's Tax Assessor, Steven Rubenstein, has reviewed the property record card, income and expense analysis and has made a physical inspection of the property; and

WHEREAS, the Tax Assessor, has recommended a settlement of the pending litigation with a reduction of the 2009 tax assessment to an amount of \$1,444,000 and a reduction of the 2010 assessment to an amount of \$1,420,000; and

WHEREAS, as a result of discussions between the Tax Assessor, the Plaintiff's attorney, and their real estate expert/consultant and the Borough Attorney, it is the recommendation of the Tax Assessor that the Mayor and Council ratify and approve the settlement of this matter.

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

1. The Mayor and Council having reviewed the recommendation for reduction in the assessment of the following Tax Court of New Jersey appeal do hereby ratify and approve the recommendation of the Tax Assessor as to the following settlement:

| <u>PROPERTY OWNER</u> | <u>BLOCK/ LOT</u> | <u>YEAR</u> | <u>ORIGINAL</u> | <u>SETTLEMENT ASS'MENT</u> |
|---------------------------|-----------------------|-------------|-----------------|--------------------------------|
| Glen Rock Main, LLC | B 115/ L 23 | 2009 | \$1,544,300 | \$1,444,000 |
| Glen Rock Main, LLC | B 115/ L 23 | 2010 | \$1,544,300 | \$1,420,000 |

2. Taxpayer agrees to waive prejudgment interest provided that the tax refund is paid within sixty (60) days of the judgment.

3. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

4. The Tax Collector is hereby authorized to credit the appropriate taxes in accordance with the terms of this resolution.

5. The provisions of N.J.S.A. 54:51-A-8 (Freeze Act) shall be applicable for the year(s) 2011 and 2012 (Freeze Act years). This judgment is a final disposition of the entire controversy and of any actions pending or hereafter instituted by the parties concerning the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year shall be the basis for application of the Freeze Act for any subsequent year.

6. This Resolution shall take effect immediately.

ROLL CALL:

Council Member O’Hagan – yes
Council Member Orseck – yes
Council Member Biggs – yes

Council Member Pazan - yes
Council Member Surrago – yes
Council Member Nogara - yes

6. Resolution for Tax Appeal Block 188, Lot 3

Resolution No. 40-11

Offered by Council Member Orseck

Seconded by Council Member Nogara

**RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENT
(BLOCK 188, LOT 3)**

WHEREAS, there is pending before the Tax Court of New Jersey, the matter of Mountain Development Corp. v. Borough of Glen Rock for the tax years 2009 and 2010; and

WHEREAS, the Borough’s Tax Assessor, Steven Rubenstein, has reviewed the property record card, income and expense analysis and has made a physical inspection of the property; and

WHEREAS, the Tax Assessor, has recommended a settlement of the pending litigation with a withdrawal of the 2009 appeal, reduction of the 2010 total assessment to an amount of \$12,000,000.00 and to assess the subject property for 2011 at a total assessment of \$11,000,000.00; and

WHEREAS, as a result of discussions between the Tax Assessor, the Plaintiff’s attorney, and their real estate expert/consultant and the Borough Attorney, it is the recommendation of the Tax Assessor that the Mayor and Council ratify and approve the settlement of this matter.

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

1. The Mayor and Council having reviewed the recommendation for reduction in the assessment of the following Tax Court of New Jersey appeal do hereby ratify and approve the recommendation of the Tax Assessor as to the following settlement:

| <u>PROPERTY OWNER</u> | <u>BLOCK/ LOT</u> | <u>YEAR</u> | <u>ORIGINAL ASS'MENT</u> | <u>SETTLEMENT</u> |
|-----------------------|-------------------|-------------|--------------------------|-------------------|
| Mountain Dev. Corp. | 188/3 | 2009 | \$13,931,100 | \$13,931,100 |
| Mountain Dev. Corp. | 188/3 | 2010 | \$13,931,100 | \$12,000,000 |

2. Taxpayer agrees to waive prejudgment interest.

3. The 2011 total tax assessment for the subject property shall be reduced to \$11,000,000.00

4. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

5. The Tax Collector is hereby authorized to credit the appropriate taxes in accordance with the terms of this resolution.

6. This Resolution shall take effect immediately.

ROLL CALL:

Council Member O’Hagan – yes
Council Member Orseck – yes
Council Member Biggs – yes

Council Member Pazan - yes
Council Member Surrago – yes
Council Member Nogara - yes

Motion to accept consent agenda by Council Member Orseck
Seconded by Council Member Nogara

ROLL CALL:

Council Member O’Hagan – yes
Council Member Orseck – yes
Council Member Biggs – yes

Council Member Pazan - yes
Council Member Surrago – yes
Council Member Nogara - yes

4. ORDINANCES

Ordinance Procedure # 1633 (Permitted Zoning Uses)

Date of Introduction: January 12, 2011

Council Resolution #41-11

Introduced by Council Member Biggs

Seconded by Council Member Surrago

Be It Resolved by the Borough Council of the Borough of Glen Rock that AN ORDINANCE TO AMEND CHAPTER 230 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF GLEN ROCK, 1971 ENTITLED “ZONING” BEING AN ORDINANCE ESTABLISHING A UNIFORM SET OF ZONING REQUIREMENTS; TO MODIFY PERMITTED USES AND PARKING REQUIREMENTS

Heretofore introduced and does now pass on first reading, and that the said Ordinance be further considered for final passage at a meeting to be held on January 12, 2011 at 8:00 p.m., or as soon thereafter as the matter can be reached, at the Municipal Building in the Borough of Glen Rock, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance in the Bergen Record according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

ROLL CALL:

Council Member O'Hagan - yes
Council Member Orseck – yes
Council Member Biggs - yes

Council Member Pazan - yes
Council Member Surrago - yes
Council Member Nogara - yes

**BOROUGH OF GLEN ROCK
ORDINANCE NO. 1633**

**AN ORDINANCE TO AMEND CHAPTER 230 OF THE
REVISED GENERAL ORDINANCES OF THE
BOROUGH OF GLEN ROCK, 1971 ENTITLED “ZONING”
BEING AN ORDINANCE ESTABLISHING A UNIFORM
SET OF ZONING REQUIREMENTS; TO MODIFY PERMITTED USES AND
PARKING REQUIREMENTS**

BE IT ORDAINED by the Borough Council, the Borough of Glen Rock, County of Bergen, State of New Jersey, as follows:

Section I - Chapter 230 of the Revised General Ordinances of the Borough of Glen Rock 1971, as amended, being an Ordinance entitled "Zoning" is hereby amended as to the following section(s):

1. Section 230.34 entitled “Off-Street Parking in Nonresidential Districts” is hereby amended by deleting subsection “27 Schools:” in its entirety to be replaced with the following:

“(27) Educational Uses:

- a. Elementary: two per classroom, but not less than 1.5 per teacher and staff.
- b. Intermediate: 1.5 per classroom, but not less than 1.5 per teacher and staff.
- c. Secondary: 2.5 per classroom, but not less than 1.5 per teacher and staff.
- d. Adult educational and vocational: one per staff, plus one per 1.5 students.
- e. Instructional Schools: 1 space for every 250 square feet of space.”

2. Section 230-60 entitled “Permitted uses” is hereby amended by deleting subsection D to be replaced with the following:

“D. Professional Offices of up to 10% of the floor area per structure, provided that off-street parking facilities are made available in accordance with the requirements of 230-34.”

3. Section 230-60 entitled “Permitted uses” is hereby amended by adding thereto new subsections F and G to read as follows:

“F. Medical Office.”

“G. All Educational Uses.”

4. Section 230.63 entitled “Permitted uses” is hereby amended by deleting subsection D to be replaced with the following:

“D. Professional office use.”

5. Section 230-63 entitled “Permitted uses” is hereby amended by adding thereto new subsections E and F to read as follows:

“E. Medical Office.”

“F. All Educational Uses.”

6. Section 230. 67 entitled “Permitted uses” is hereby amended by deleting subsection H to be replaced with the following:

“H. Professional Offices.”

7. Section 230-67 entitled “Permitted uses” is hereby amended by adding thereto new subsections J and K to read as follows:

“J. Medical Office.”

“ K. All Educational Uses.”

8. Section 230.70 entitled “Permitted uses” is hereby amended by deleting the subsection to be replaced with the following:

“This zone district shall be intended for limited industrial and manufacturing uses, office for professional, executive or administrative purposes, medical office, all educational uses, scientific or research laboratories, hotels and motels, all of which shall be conducted within the confines of a building. Partial use may be permitted of a building primarily designed for hotel or motel usage by offices for professional, executive, or administrative purposes. Retail sales shall be permitted within this zone district, provided that the merchandise sold is manufactured by the occupant of the building wherein such retail sales are conducted.”

9. Section 230.83 entitled “OT- Office Transitional District” is hereby amended by deleting the subsection B to be replaced with the following:

“B. Permitted uses. This district shall permit offices for the following professional trades:”

10. Subsection 230.83 entitled "OB-1 Office Building District" is hereby amended by adding thereto a new subsection B(1)(g) to read as follows:

"g. All Educational Uses."

11. Section 230.84 entitled "OB-1 Office Building District" is hereby amended by deleting the subsection B and C to be replaced with the following:

"B. Other professional persons and activities limited to the following:"

"C. Such other professional services as the Board of Adjustment may determine are of a character similar to those uses listed in Subsections A and B above."

12. Section 230.84 entitled "Permitted uses" is hereby amended by adding thereto a new subsection B(4) to read as follows:

"4. All Educational Uses."

13. Section 230.87 entitled "Permitted uses" is hereby amended by deleting the subsection to be replaced with the following:

"This district is intended for office building for executive, professional and administrative purposes, medical office, all educational uses and computer and data processing centers and facilities."

Section II. VALIDITY-SEVERABILITY If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be held invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Ordinance but such judgment shall be confined in its operation to the section, paragraph, subdivision or clause directly involved in the controversy in which said judgment shall have been rendered.

Section III All Ordinances or parts of Ordinances inconsistent with the provisions hereof are hereby repealed.

Section IV This Ordinance shall take effect upon passage as required by law.

Ordinance Procedure # 1634 (Prosecutor/Assistant Prosecutor)

Date of Introduction: January 12, 2011

Council Resolution #42-11

Introduced by Council Member Pazan

Seconded by Council Member O'Hagan

Be It Resolved by the Borough Council of the Borough of Glen Rock that AN ORDINANCE TO AMEND CHAPTER 4 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF GLEN ROCK - 1971, AS AMENDED, ENTITLED "ADMINISTRATION OF GOVERNMENT; BEING AN ORDINANCE ESTABLISHING AN ADMINISTRATION CODE FOR THE

BOROUGH; TO AMEND THE RESPONSIBILITIES OF PROSECUTOR AND ASSISTANT PROSECUTOR

Heretofore introduced and does now pass on first reading, and that the said Ordinance be further considered for final passage at a meeting to be held on January 12, 2011 at 8:00 p.m., or as soon thereafter as the matter can be reached, at the Municipal Building in the Borough of Glen Rock, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance in the Bergen Record according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

ROLL CALL:

Council Member O'Hagan - yes
Council Member Orseck – yes
Council Member Biggs - yes

Council Member Pazan - yes
Council Member Surrago - yes
Council Member Nogara - yes

**BOROUGH OF GLEN ROCK
ORDINANCE NO. 1634**

**AN ORDINANCE TO AMEND CHAPTER 4 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF GLEN ROCK - 1971, AS
AMENDED, ENTITLED "ADMINISTRATION OF GOVERNMENT; BEING AN
ORDINANCE ESTABLISHING AN ADMINISTRATION CODE FOR THE
BOROUGH; TO AMEND THE RESPONSIBILITIES OF PROSECUTOR AND
ASSISTANT PROSECUTOR**

BE IT ORDAINED by the Borough Council, the Borough of Glen Rock, County of

Bergen, State of New Jersey, as follows:

Section I - Chapter 4 of the Revised General Ordinances of the Borough of Glen Rock 1971, as amended, being an Ordinance entitled "Administration of Government" is hereby amended as to the following section(s):

A. Section 4-25 entitled "Borough Prosecutor" shall be deleted in its entirety and replaced with the following:

"4-25. Borough Prosecutor.

A. Position Established.

i. Prosecutor.

ii. Assistant Borough Prosecutor. The Governing Body may appoint an Assistant Borough Prosecutor to assist in the Administration of justice in a timely and effective manner within the Borough's Municipal Court.

B. Qualifications. The Borough Prosecutor and Assistant Borough Prosecutor shall be an attorney at law of New Jersey in good standing.

C. Appointment. The Mayor shall nominate, and with the advice and consent of the Council, appoint a Borough Prosecutor and an Assistant Borough Prosecutor, including the filling of a vacancy in the office which shall be for the unexpired term only.

D. Term. The term of office of the Borough Prosecutor and Assistant Borough Prosecutor shall be for one (1) year, commencing on January 1 and terminating on December 31 of the same year or until a successor shall have been appointed and qualified.

E. Duties. Pursuant to the provision of N.J.S.A. 2B:25-5, as may be amended or supplemented, the Borough Prosecutor and Assistant Borough Prosecutor shall prosecute cases to be tried before the Borough Court alleging a violation of the criminal laws of the State of New Jersey, the ordinances of the Borough, the Motor Vehicle Statutes of the State of New Jersey and such other cases as may be designated by the Council. The Borough Prosecutor and Assistant Borough Prosecutor shall also appear before the Council upon its request to prosecute any matters which may be within its jurisdiction.

F. Salary. The salary of the Borough Prosecutor and Assistant Borough Prosecutor shall be in such amount as the Council shall determine by resolution or ordinance.

Section II. VALIDITY-SEVERABILITY If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be held invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Ordinance but such judgment shall be confined in its operation to the section, paragraph, subdivision or clause directly involved in the controversy in which said judgment shall have been rendered.

Section III All Ordinances or parts of Ordinances inconsistent with the provisions hereof are hereby repealed.

Section IV This Ordinance shall take effect upon passage as required by law.

5. MEETING OPEN TO THE PUBLIC: (Before speaking at the meeting, each person must state their name and address. 5 minute limit)

There was no one wishing to speak to the Council at this time.

6. ADJOURNMENT

Motion to adjourn the meeting was made by Council member O'Hagan
Seconded by Council member Orseck
Meeting adjourned at 8:20 p.m.