

PUBLIC MEETING – Wednesday, March 13, 2013 at 8:00 p.m.

There will be a Public Meeting of the Mayor and Council of the Borough of Glen Rock on Wednesday, March 13, 2013 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 – absent
Council Member Surrago – present
Council Member Nogara - present**

2. FLAG SALUTE/ANNOUNCEMENTS

Council member Surrago 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 for approval of minutes (2/13 & 2/27/13)**

Resolution No. 72-13

Offered by Council Member Nogara

Seconded by Council Member Orseck

BE IT RESOLVED, that the Minutes of:

Reorganization Meeting – February 13 & 27, 2013

Be accepted as submitted.

ROLL CALL:

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

**Council Member Pazan - absent
Council Member Surrago - yes
Council Member Nogara - yes**

2. Resolution Appointing Part Time Office Assistant (DPW)

Resolution No. 73-13

**Offered by Council Member Nogara
Seconded by Council Member Orseck**

**RESOLUTION APPOINTING MARY HILL TO THE POSITION OF
PART TIME OFFICE ASSISTANT IN THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the position of Office Assistant in the Department of Public Works has become vacant and the Borough Council has determined that the position be reduced to part-time status on the recommendation of the Borough Administrator; and

WHEREAS, the Director of Public Works interviewed numerous qualified candidates to fill the position, and has recommended the Borough hire Mary Hill, 79 Louville Avenue, Park Ridge, NJ, at an hourly rate of \$15/per hour effective as of February 25, 2013.

NOW THEREFORE BE IT RESOLVED that Borough Council, does hereby appoint Mary Hill to the position of Part Time Office Assistant in the Department of Public Works for the Borough of Glen Rock, effective February 25, 2013.

ROLL CALL:

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

**Council Member Pazan - absent
Council Member Surrago - yes
Council Member Nogara - yes**

3. Resolution for Tax Overpayments (2012 & 2013)

Resolution No. 74-13

**Offered by Council Member Nogara
Seconded by Council Member Orseck**

RESOLUTION AUTHORIZING TAX OVERPAYMENT REFUND

WHEREAS the Tax Collector has determined that in 2012 the following homeowners overpaid their taxes: Michael Wurzburger block 40 lot 14 in amount \$93.80, Mark Sullivan block 49 lot 7 in amount \$206.16, Paul Thurber block 51 lot 3 in amount \$1,036.84, Michael Murphy block 56 lot 30 in amount \$205.01, Gerald Collins block 71 lot 2 in amount \$132.25, John Kennedy block 114 lot 4.01 in amount \$138.51, Maden Domlija block 134 lot 27 in amount \$85.23, Leonard Kirsch block 139 lot 2 in amount \$71.80, John Jordan block 150 lot 5 in amount \$33.43, Vadim Shifrin block 176 lot 26 in amount \$8.73, Jon Osborn block 177 lot 40 in amount \$519.21, Lucas Kovalcik block 194 lot 6 in amount \$79.20, James Trousdale block 194 lot 15 in amount \$187.96, Michael Coppola block 212 lot 12 in amount \$167.95, Sudhakar Kanumilli block 213 lot 4 in amount \$6.23, George Gouliamos block 213 lot 9 in amount \$45.41, Omar Fazal block 238 lot 9 in amount \$37.62, David

Viscardi block 243 lot 16 in amount \$110.35, Denley Chew block 243 lot 17 in amount \$336.79, Mr. Aaron block 255 lot 5 in amount \$288.96, and

WHEREAS the Tax Collector has determined that in 2013 the following homeowners overpaid their taxes: Andrew Ramos block 9 lot 4 in amount \$3,361.80, Paul Thurber block 51 lot 3 in amount \$4,213.39, Giallorenzo block 124 lot 10 in amount \$20.00, Yousuf Ahmed block 137 lot 10 in amount \$3,062.25, Wayne Brown block 157 lot 9 in amount \$3,954.94, Stephen Lipscomb block 163 lot 11 in amount \$3,096.64, Edson Teramae block 173 lot 5 in amount \$42.99, Brian Pepe block 219 lot 13 in amount \$3,604.47,

NOW, THEREFORE BE IT RESOLVED that the Borough of Glen Rock reimburse the above Glen Rock homeowners.

ROLL CALL:

Council Member O’Hagan – yes	Council Member Pazan - absent
Council Member Orseck – yes	Council Member Surrago - yes
Council Member Biggs – yes	Council Member Nogara – yes

4. Resolution for Tax Court Appeal (B 69 L 9)

Resolution No. 75-13

Offered by Council Member Nogara

Seconded by Council Member Orseck

RESOLUTION AUTHORIZING TAX OVERPAYMENT REFUND

WHEREAS, it has been determined by the Tax Collector that through a State Tax Court Appeal on Block 69 Lot 9 located at 79 Boulevard, there was a Settlement agreed to for the assessed value in the amount of \$1,041,000.00, valid for 2011 and 2012,

THEREFORE, the amount of taxes paid by 79 Boulevard in 2011 was \$28,311.45 and with the approved change in assessment the amount should have been \$27,013.95 so that there is an over payment of \$1,297.50, and in 2012 taxes paid were \$28,856.96 and with approved assessment change taxes should be \$27,534.45 so there is an over payment of \$1,322.51,

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Glen Rock hereby reimburses Deffaa, Deborah A., owner of 79 Boulevard in Glen Rock, NJ a total check for \$2,620.01 (refund 2011 \$1,297.50 & 2012 \$1,322.51)

ROLL CALL:

Council Member O’Hagan – yes	Council Member Pazan - absent
Council Member Orseck – yes	Council Member Surrago - yes
Council Member Biggs – yes	Council Member Nogara - yes

5. Resolution for Recycling Tonnage Grant

Resolution No. 76-13

Offered by Council Member Nogara

Seconded by Council Member Orseck

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L., 1987, c. 102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for such tonnage grants for calendar year 2012 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough Council of Glen Rock to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Glen Rock the Glen Rock hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Craig Hemkes to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

ROLL CALL:

Council Member O’Hagan – yes	Council Member Pazan - absent
Council Member Orseck – yes	Council Member Surrago - yes
Council Member Biggs – yes	Council Member Nogara – yes

6. Resolution Appointing Qualified Purchasing Agent

Resolution No. 77-13

Offered by Council Member Nogara

Seconded by Council Member Orseck

RESOLUTION APPOINTING QUALIFIED PURCHASING AGENT

WHEREAS, N.J.S.A. 40A:11-9 authorizes the appointment of a Qualified Purchasing Agent for the Borough of Glen Rock, County of Bergen, State of New Jersey, and;

WHEREAS, Assistant Finance Officer Kelly A. Lombardi, holds the certification of Qualified Purchasing Agent awarded by the Division of Local Government Services, State of New Jersey, and is qualified to hold the position of Qualified Purchasing Agent;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Glen Rock hereby appoint Kelly A. Lombardi as Qualified Purchasing Agent for the Borough of Glen Rock.

ROLL CALL:

Council Member O’Hagan – yes	Council Member Pazan - absent
Council Member Orseck – yes	Council Member Surrago - yes
Council Member Biggs – yes	Council Member Nogara - yes

7. Resolution Establishing 2013 Bid Threshold

Resolution No. 78-13

Offered by Council Member Nogara

Seconded by Council Member Orseck

RESOLUTION ESTABLISHING 2013 BID THRESHOLD FOR CONTRACTING UNITS

WHEREAS, N.J.S.A. 40A:11-3 (c) and 18A:18A-3 (b) authorizes the amount a Contracting Unit may set a bid threshold for awarding contracts and;

WHEREAS, the Qualified Purchasing Agent has determined that the bid threshold for 2013 should remain at \$36,000 to encourage greater competition between vendors;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Glen Rock hereby set the 2013 bid threshold of the Borough of Glen Rock at \$36,000.

ROLL CALL:

Council Member O’Hagan – yes	Council Member Pazan - absent
Council Member Orseck – yes	Council Member Surrago - yes
Council Member Biggs – yes	Council Member Nogara - yes

8. Resolution Authorizing Risk Manager Agreement

Resolution No. 79-13

Offered by Council Member Nogara

Seconded by Council Member Orseck

RISK MANAGEMENT CONSULTANT’S AGREEMENT

This Agreement entered into this 1 day of JANUARY 2013, between the MUNICIPALITY of the Borough of Glen Rock, (hereinafter referred to as the Municipality) and the BURTON AGENCY INC., a Corporation of the State of New Jersey, having its principal office at 44 BERGEN ST., WESTWOOD, NJ 07675 (hereinafter referred to as the Consultant).

Witnesseth:

WHEREAS, the Municipality is a member of the Bergen County Municipal Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund:(hereinafter referred to as the FUNDS) and;

WHEREAS, the Consultant has offered to the Municipality professional risk management consulting services as required in the bylaws of the Bergen County Municipal Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund; and;

WHEREAS, the Municipality desires these professional risk management consulting services and;

NOW THEREFORE, the parties in consideration of the mutual promises and covenants set forth herein, agree as follows:

1. The term of this Agreement shall begin on January 1, 2013 and shall end on December 31, 2013 or such later date as a successor may be duly appointed and qualified.

2. The Consultant, for and in consideration of the amount stated hereinafter, agrees to provide the Municipality as follows:

A. Assist the Municipality in identifying its insurable property and casualty exposures and to recommend professional methods to reduce, assume or transfer the risk of loss.

B. Assist the Municipality in understanding and selecting the various coverage's available from the Funds;

C. Review with the Municipality any additional insurance coverage's that the Consultant thinks should be carried but are not available from the Funds and, subject to the Municipality 's authorization, place such coverage outside the Funds.

D. Assist the Municipality in the preparation of applications, statement of values and similar documents requested by the Funds, it being understood that this agreement does not include any appraisal work by the Consultant.

E. Review the Municipality 's assessment as prepared by the Funds and assist the Municipality in preparation of its annual insurance budget.

F. Review Certificates of Insurance from contractors, vendors and professionals when requested by the Municipality

G. Review any loss and engineering reports and generally assist the Municipality in its loss containment objectives.

H. Assist where needed in the settlement of claims, its being understood that the scope of the Consultant's involvement does not include the work normally performed by a public adjuster.

I. Any other services required of the Consultant by the Fund's bylaws.

3. The Municipality authorizes the Fund to pay the Consultant as compensation for services rendered, an amount equal to 6% of the Municipality 's annual assessment as promulgated by the Fund. The said fee shall be paid to the Consultant in four equal payments, (quarterly) at the end of each quarter by the Fund.

4. For any insurance coverage's authorized by the Municipality to be placed outside the Fund, the Consultant shall receive as compensation the normal brokerage commissions paid by the insurance company. The premiums for said policies shall not be added to the Fund's assessment in computing the fee outlined in 2 above.

5. This agreement may be terminated by either party at any time by mailing to the other, written notice, certified mail return receipt, calling for termination at not less than thirty (30) days thereafter. In the event of termination of this agreement, the Consultant's fees outlined in 2 above shall be prorated to date of termination.

ROLL CALL:

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

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

9. Resolution Amending Salary for Communications Coordinator

Resolution No. 80-13

Offered by Council Member Nogara

Seconded by Council Member Orseck

**RESOLUTION TO AMEND THE HOURLY COMPENSATION OF THE
COMMUNICATIONS COORDINATOR**

WHEREAS, The Mayor and Council appointed Heidi Blauvelt as Communications Coordinator for the Borough of Glen Rock in July of 2012 at an initial hourly rate of \$20/hour and

WHEREAS, it has been determined by the Mayor and Council, as a result of her performance and dedication to the position to increase the hourly rate to \$25/hour.

NOW THEREFORE BE IT RESOLVED that the hourly rate for the Communications Coordinator shall be \$25/hour as of January 1, 2013.

ROLL CALL:

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

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

**10. Resolution Authorizing Settlement of Litigation
(NJDEP vs. Occidental Chem.Corp.)**

Resolution No. 81-13

Offered by Council Member Nogara

Seconded by Council Member Orseck

RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION ENTITLED THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, ET AL, V. OCCIDENTAL CHEMICAL CORPORATION, ET AL., DOCKET NO. ESX-L-9868-05 (PASR) SUBSTANTIALLY IN ACCORDANCE WITH THE TERMS OF A PROPOSED CONSENT JUDGMENT AND RELATED DOCUMENTS

WHEREAS, the Borough of Glen Rock is a third party defendant in litigation entitled the New Jersey Department of Environmental Protection, et al. v. Occidental Chemical Corporation, et al., Docket No. ESX-L-9868-05 (PASR) (the Passaic River Litigation); and,

WHEREAS, the New Jersey Department of Environmental Protection, the Commissioner of the New Jersey Department of Environmental Protection and the Administrator of the New Jersey Spill Compensation Fund (collectively, "Plaintiffs"), have offered to settle directly with all Third Party Defendants, including the Borough of Glen Rock; and

WHEREAS, on behalf of the Borough of Glen Rock, counsel executed a Confidentiality Agreement and Memorandum of Understanding with Plaintiffs which, among other things, allowed for settlement negotiations between the Borough of Glen Rock and Plaintiffs and for the development of settlement documentation, provided that the negotiations and the documents generated during the course of those negotiations were to remain strictly confidential; and,

WHEREAS, negotiations between Plaintiffs and Third Party Defendants, including the borough of Glen Rock, have resulted in the preparation of a proposed Consent Judgment and related settlement documentation; and,

WHEREAS, the Governing Body has reviewed with counsel the proposed Consent Judgment and related settlement documentation in Executive Session at the meeting of March 11, 2013; and,

WHEREAS, the proposed Consent Judgment and related settlement documentation continue to remain strictly confidential in accordance with the Confidentiality Agreement and Memorandum of Understanding executed by counsel on behalf of the until such time as they are published by Plaintiffs in accordance with the Consent Order on the Approval Process for the Proposed Consent Judgment entered by the Court on January 24, 2013 ("Consent Order"), a copy of which is on file in the office of the Municipal Clerk; and,

WHEREAS, the proposed Consent Judgment and related settlement documentation may be subject to change depending on the outcome of the approval process outlined in the Consent Order; and,

WHEREAS, the Governing Body desires to approve the proposed settlement as reflected in the proposed Consent Judgment and related settlement documentation and allow for the approval process to move forward in accordance with the Consent Order.

NOW, THEREFORE, BE IT

RESOLVED by the Governing Body as follows:

RESOLVED, all of the foregoing "Whereas" clauses are incorporated by reference as if set forth at length herein; and be it further

RESOLVED, the borough of Glen Rock hereby authorizes the settlement of the Passaic River Litigation in the amount of \$950,000.00 (\$50,000.00 funded by EJIF. Balance of settlement funding under review by Bergen JIF and other general insurance carriers) substantially in accordance with the terms set forth in the proposed Consent Judgment and related settlement documentation reviewed by the Governing Body in Executive Session at the meeting of March 11, 2013; and be it further

RESOLVED, the Borough Attorney and all other appropriate Glen Rock officials and personnel are authorized to prepare any and all related documents and perform all tasks, which will effectuate the purposes of this Resolution; and be it further

RESOLVED, the appropriation of any and all settlement sums shall be the subject of a subsequent resolution to be adopted by the Governing Body after the finalization of the approval process set forth in the Consent Order and in accordance with the proposed Consent Judgment; and be it further

RESOLVED, this Resolution shall take effect immediately and/or as required by law.

ROLL CALL:

Council Member O’Hagan – yes	Council Member Pazan - absent
Council Member Orseck - yes	Council Member Surrago – yes
Council Member Biggs – yes	Council Member Nogara – yes

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

ROLL CALL:

Council Member O’Hagan – yes	Council Member Pazan - absent
Council Member Orseck – yes	Council Member Surrago - yes
Council Member Biggs – yes	Council Member Nogara - yes

Before the meeting was opened to the public Mayor van Keuren asked if there were any comments from the Council.

Council member Biggs – A letter from Monmouth University was received giving honorable mention to the Borough of Glen Rock for our (old) website. The new website is even more user-friendly.

Council member Orseck – GRBA has 750 children registered with more to come. April 13th is the GRBA kick-off with their annual parade. GRLAX has 400 children signed up with their season beginning soon. Pool registration begins April 1st with discounted rates until May 16th.

Council member Nogara – The Finance Committee and Council have been meeting regularly with every line item reviewed. It is an open meeting and all are welcome to attend.

Council member Surrago – DPW has been responding the resident’s concerns regarding trees. The borough will be taking more proactive steps concerning trees, with one measure being to hire an arborist to evaluate the town trees.

Council member O’Hagan – We have a long list of high school students who are willing to help with clean-up at the Arboretum.

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

Doris Ciaramella – 15 Austin Place – Asked for an update with Ridgewood Water. Mayor van Keuren commented we have not had a recent update; however we have inquired to the attorney

and once that update is received it will be made public.

Naomi Gamorra – 50 Kent Road – Ms. Gamorra noted Ridgewood Water has been sending out estimated water bills, much to everyone’s surprise. Once an actual reading is received many people are receiving bills for water used over the last six years. Ms. Gamorra applauded the Council for their determined efforts to maintain the borough trees and preventive measures. Ms. Gamorra commented on average 150 are removed every year and 108 are planted; obviously with a net loss. This does not include any trees that are removed or planted on private property. Ms. Gamorra believes it is a mistake for the borough not to plant any trees this year and encouraged them to utilize the plethora of information provided by Leslie Kameny and the Shade Tree Commission.

Council member Nogara commented hiring an arborist is a step in the right direction, adding there is capital money for replanting of trees. The borough has not ruled out planting trees in the fall, though no trees will be planted this spring.

Carol Thielke – 1 Glen Avenue – Mrs. Thielke thanked Council member O’Hagan for the supply of volunteers to help with clean-up. Mrs. Thielke believes getting an arborist to look at the borough trees is a good decision.

Leslie Kameny – 33 Beech Road – Ms. Kameny has had discussions with Bob Tirserio, DPW and commented there may be a connection between sprinkler systems and the trees that have fallen, adding water sensors and education may help.

5. ADJOURNMENT

Motion to adjourn the meeting was made by Council member Biggs

Seconded by Council member O’Hagan

Meeting adjourned at 8:25 p.m.