

BOROUGH OF GLEN ROCK
PUBLIC MEETING – Thursday, October 21, 2010 at 8:00 p.m.

There will be a Public Meeting of the Mayor and Council of the Borough of Glen Rock on Thursday, October 21, 2010, 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 being called pursuant to the Open Public Meeting Law. Notice of the meeting has been adequately announced, notice of the time, date and place of the meeting was included in a list of meeting notices sent to the Bergen edition of The Record newspaper and advertised in that newspaper. Further a notice of this meeting was posted on the bulletin board in this building and has remained continuously posted as required by Statue. Finally, a notice of this meeting is on file in the office of the Borough Clerk. Accordingly, I declare this to be a properly constituted public meeting of the Mayor and Council.

In accordance with the New Jersey State Fire & Safety Code I call your attention to the 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 – absent
Council Member Biggs – present

Council Member Pazan – present
Council Member Surrago – absent
Council Member Nogara – present

2. FLAG SALUTE/ANNOUNCEMENTS

Council member O'Hagan 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 (10/7/10)

Resolution No. 186-10
Offered by Council Member Pazan
Seconded by Council Member Nogara

BE IT RESOLVED, that the Minutes of:
Meeting of 10/7/10

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 to Award Bid to RVH Mulch Supply for Leaf Transport

Resolution No. 187-10

Offered by Council Member Pazan

Seconded by Council Member Nogara

**A RESOLUTION AWARDING BID TO
RVH MULCH SUPPLY, LLC FOR THE 2010 LEAF TRANSPORT AND
DISPOSAL BID**

WHEREAS, the Borough of Glen Rock authorized the advertising for the solicitation of bids for the 2010 Leaf Transport and Disposal Bid for the Department of Public Works; and

WHEREAS, a notice to bidders was duly advertised and five (5) bids were received, to wit, RVH Mulch Supply, LLC., Warren County Trucking, LLC, Nature's Choice Corporation, S. Rotondi & Sons, Inc and Environmental Renewal, LLC; and

WHEREAS, the low bidder, Nature's Choice Corporation, was either not responsive or defective as to the requirements set forth in the Notice to Bidders and the bid specifications, and, as such, the Borough Attorney and Director of the Department of Public Works have recommended that the bid of Nature's Choice Corporation be rejected;

WHEREAS, the Robert Tirserio, Director of the Department of Public Works, has recommended that the RVH Mulch Supply, LLC, be awarded the contract in the amount of \$5.48 per cubic yard of transported material, as its bid submission conforms to the specifications of the Borough of Glen Rock; and

WHEREFORE, the Chief Financial Officer has provided the Governing Body with Certification of the availability of funds requirements.

NOW, THEREFORE, BE IT

RESOLVED, that the bid of the lowest responsible bidder, namely, RVH Mulch Supply, LLC, in the amount of \$5.48 per cubic yard of transported product, for the 2010 Leaf Transport and Disposal Bid, be accepted by the Borough of Glen Rock, subject to the execution of a form of contract to be approved by the Borough Attorney; and be it further

RESOLVED, that the Borough Clerk is hereby authorized and directed to return the certified checks or bid bonds of the following unsuccessful bidders upon execution of the contract with RVH Mulch Supply, LLC:

1. S. Rotondi & Sons, Inc
2. Warren County Trucking, LLC
3. Nature's Choice Corp.
4. Environmental Renewal, LLC

and be it further

RESOLVED, that the certified checks or bid bonds of the successful bidder are to be returned upon the receipt of a fully executed contract and other required documents.

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 Chapter 159 – Body Armor

Resolution No. 188-10

Offered by Council Member Pazan

Seconded by Council Member Nogara

**Chapter 159 Resolution
Approval of items of Revenue and Appropriation
NJS 40A:4-87**

Whereas, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Glen Rock in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the amount of \$2,155.79, which is now available from the State of New Jersey Division of Criminal Justice in the amount of \$2,155.79.

BE IT FURTHER RESOLVED that the like sum of \$2,155.79 is hereby appropriated under the caption of 2010 Body Armor Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey Division of Criminal Justice in the amount of \$2,155.79

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 to Cancel Tax Refund or Over Payment

Resolution No. 189-10

Offered by Council Member Pazan

Seconded by Council Member Nogara

RESOLUTION TO CANCEL TAX REFUND OR OVER PAYMENTS

WHEREAS, N.J.S.A. 40A:5-17 allows for the cancellation of property tax refunds or delinquent amounts in the amount of less than \$10.00; and,

WHEREAS, the governing body authorizes the Tax Collector to cancel the following over payments: 4th quarter 2009 \$1.01 block 17 lot 11 and 3rd quarter block 228 lot 7,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Glen Rock, County of Bergen, State of New Jersey, hereby authorize the Tax Collector to cancel said tax amounts.

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 Renewal of Membership in the Bergen County JIF

Resolution No. 190-10

Offered by Council Member Pazan

Seconded by Council Member Nogara

**RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE
BERGEN COUNTY MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Borough of Glen Rock is a member of the Bergen County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2010 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, be it resolved as follows:

- 1. The Borough of Glen Rock agrees to renew its membership in the Bergen County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.**
- 2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Bergen County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.**

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 Authorizing Professional Services Contract

Resolution No. 191-10

Offered by Council Member Pazan

Seconded by Council Member Nogara

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT

WHEREAS, the Borough of Glen Rock is in need of recurrent and regular professional labor and employment legal services; and

WHEREAS, Beth Hinsdale-Piller, Esq., of the firm of Wilentz, Goldman & Spitzer P.A. has submitted a proposal dated OCTOBER 19, 2010, setting forth the anticipated hourly charges/costs to be assessed to the Borough of Glen Rock; 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 may exceed \$17,500.00; and

WHEREAS, Beth Hinsdale-Piller, Esq., of the firm of Wilentz, Goldman & Spitzer P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that Beth Hinsdale-Piller, Esq., and the firm of Wilentz, Goldman & Spitzer P.A. 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 Beth Hinsdale-Piller, Esq., and the firm of Wilentz, Goldman & Spitzer P.A. from making any reportable contributions through the term of the contract; and

WHEREAS, legal 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

WHEREFORE, the Chief Financial Officer has provided the Governing Body with Certification of the availability of funds requirements.

NOW THEREFOR BE IT,

RESOLVED, by the Borough Council of Glen Rock, that the Mayor or the Borough Administrator is hereby authorized to enter into a contract with Beth Hinsdale-Piller, Esq., of the firm of Wilentz, Goldman & Spitzer P.A. as declared herein; 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.

Political Contribution Disclosure: This Contract has been awarded to Beth Hinsdale-Piller, Esq., of the firm of Wilentz, Goldman & Spitzer P.A. based on the merits and abilities of Beth Hinsdale-Piller, Esq., to provide the goods or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the undersigned does hereby attest that Beth Hinsdale-Piller, Esq., of the firm of Wilentz, Goldman & Spitzer P.A., its subsidiaries, assigns, or principals controlling in excess of 10% of the company

has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A., 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect is eligibility to perform this contract, nor will it make a reportable contribution during the term of the Contract to any political party committee in the Borough of Glen Rock if a member of that political party is serving in an elective public office of the Borough of Glen Rock when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that the Borough of Glen Rock when the contract is awarded.

ROLL CALL:

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

7. Resolution Authorizing Amendment to Takeover Agreement with Merchants Bonding Company

Resolution No. 192-10

Offered by Council Member Pazan

Seconded by Council Member Nogara

A RESOLUTION AUTHORIZING AMENDMENT TO TAKEOVER AGREEMENT WITH MERCHANTS BONDING COMPANY

WHEREAS, the Borough of Glen Rock (the "Borough") and Merchants Bonding Company (the "Surety") previously entered into a Takeover Agreement (the "Takeover Agreement") dated May 24, 2010 for the completion of the construction contract between the Borough and Walter H. Poppe General Contractors, Inc., for the construction work at the municipal building (the "Project"), which agreement was amended in August 2010 to resolve the insurance coverage issue for construction subcontractors; and

WHEREAS, the Surety and the Borough are desirous of entering into a Second Amendment to Takeover Agreement, a copy of which is annexed hereto, to provide standard language applicable to all Construction Change Directives ("CCD") which may be issued on this Project;

WHEREAS, the Borough attorney has reviewed and approved the form and content of the proposed Second Amendment to Takeover Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Mayor and Council hereby approve the Second Amendment to Takeover Agreement for the limited and specific extent as set forth therein and do hereby authorize Lenora Benjamin, Borough Administrator, to execute the Second Amendment to Takeover Agreement on behalf of the Borough of Glen Rock.

ROLL CALL:

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

8. Resolution for Payment of Bills

Resolution No. 193-10
Offered by Council Member Pazan
Seconded by Council Member Nogara

BE IT RESOLVED, that the following bills of the Borough of Glen Rock be paid in the amount of \$2,494,994.99.

Board of Education	\$	750,000.00
Payroll		853,011.98
PSE&G		26,890.01
Veolia Environmental		22,220.16
Hess Corporation		11,831.46
Burton Agency		17,486.00
Rachele's/Michele's		12,409.50
Delta Dental		16,773.22
Garibaldi		15,437.75
NW Central Bergen Dispatch		66,475.26
P.V.S.C.		129,738.70
NJSHBP		268,460.31
Subtotal	\$	2,190,704.35
Miscellaneous		125,470.49
Capital		178,820.15
Total Payment of Bills	\$	2,494,994.99

ROLL CALL:

Council Member O'Hagan - yes	Council Member Pazan - yes
Council Member Orseck - yes	Council Member Surrago - yes
Council Member Biggs - yes	Council Member Nogara - yes

9. Resolution Approving Settlement on Towncraft Appeal

Resolution No. 194-10
Offered by Council Member Pazan
Seconded by Council Member Nogara

Resolution Approving Settlement on Towncraft Appeal

WHEREAS, there is pending before the Tax Court of New Jersey, the matter of Towncraft, Inc. vs. Borough of Glen Rock for the year 2009 (Docket No. 016400-2009) and pending before the Bergen County Tax Board the matter of Towncraft, Inc. vs. Borough of Glen Rock under Appeal No. 22-10000103L, both covering property located at 1 DeBoer Drive (Block 189, Lot 1); and

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

WHEREAS, the Tax Assessor, has recommended a modification to the 2009 and 2010 assessment; and

WHEREAS, as a result of discussions between the Tax Assessor, and the plaintiff's attorney and appraisal expert, it is recommended to the Mayor and Council that settlement of this matter be ratified and approved.

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 and Bergen County Tax Board appeals, do hereby ratify the following settlement:

<u>PROPERTY OWNER</u>	<u>BLOCK/ LOT</u>	<u>YEAR</u>	<u>ORIGINAL ASS'MENT</u>	<u>SETTLEMENT</u>
Towncraft, Inc.	189/1	2009	\$1,779,800	\$1,593,400
Towncraft, Inc.	189/1	2010	\$1,540,100	\$1,540,100

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

3. 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.

ROLL CALL:

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

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

ROLL CALL:

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

4. MOTIONS

Departmental Reports

Council member O'Hagan (*Public Safety*) – Congratulated the Ambulance Corps. with the success of their Wet Down this weekend. Council member O'Hagan clarified the \$10,000 that the Fire Department is returning to the Borough is not monies from donations but rather money that was put aside over several years from their budget for the anniversary celebrations.

Council member Biggs (*Building & Grounds*) – Activity has increased with resident permits; however the scope is smaller in scale. Preliminary reports tell us several hundred surveys have been completed. The initial deadline of October 25th will be extended until the 27th.

Council member Nogara (*Licenses & Franchises*) – No report.

Council member Surrago (*Public Works*) – The bid for an upgraded Recycling Center will hopefully go out to bid next week. Leaf collections will start beginning November 1st with an approximate schedule posted on the website.

Council member Pazan (*Finance*) – Discussions regarding the 2011 budget will continue.

Council member Orseck (*Recreation*) – Fall sports are in full swing with an increase in participation in all sports. There will be a public meeting of the Turf Committee on Monday, October 25th.

Motion to accept reports as filed:

Motion by Council Member Surrago

Seconded by Council Member Biggs

ROLL CALL:

Council Member O’Hagan – yes

Council Member Pazan - yes

Council Member Orseck – yes

Council Member Surrago – yes

Council Member Biggs – yes

Council Member Nogara - yes

5. ORDINANCES:

Ordinance Procedure: # 1628 (Devonshire Place)

Date of Final Reading: October 19, 2010

Date of Introduction: October 7, 2010

A motion to open public discussion on this ordinance was made by Council member Biggs, seconded by Council member Orseck. All were in favor

Jason Ross – 60 Devonshire Place – Mr. Ross expressed concerns that if cars are parked legally according to this ordinance he will have a tough time getting out of his driveway. Secondly, by extending the parking down the street this is an area where the children play.

Mayor van Keuren commented he “hopes” the parking problem will not be shifted down the street but rather disperse the vehicles. Mayor van Keuren added the situation will be monitored by the Police Department and if adjustments need to be made they will be. Mayor van Keuren assured Mr. Ross that need be; the Borough will assist him as expeditiously as possible. Mayor van Keuren stated if Mr. Ross experiences problems and they cannot be resolved with the Police he is to call him directly.

Mr. Ross reiterated that he believes this is a poor decision on the Council’s part.

Howard Stone – 443 Rock Road – Mr. Stone lives on the corner of Devonshire and Rock Road. Mr. Stone agreed that Devonshire has become a parking lot for commuters. Mr. Stone asked if residents would have any latitude to park on the street. Mr. Stone agreed that the whole street should be 4-hour parking as the commuters will simply move down the street 150’.

Council member O’Hagan added this ordinance is only Monday through Friday.

Ed Pucci – 64 Gibson Place – Mr. Pucci chastised Mayor van Keuren for telling Mr. Ross to call him directly, when he has called the Mayor with no response. Mr. Pucci stated, “Don’t promise anything Mayor that you cannot uphold, you have no action”. Mayor van Keuren agreed to speak with Mr. Pucci after the meeting. Mr. Pucci continued with comments which were not relevant to

Ordinance #1628 and was requested to hold his comments until the open portion of the meeting.

A motion to close the public discussion on this ordinance was made by Council member Biggs, seconded by Council member Orseck. All were in favor

Council Resolution # 195-10
Introduced: Council Member Biggs
Seconded Council Member Orseck

AN ORDINANCE TO AMEND CHAPTER 216 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF GLEN ROCK - 1971 AS AMENDED ENTITLED "VEHICLES AND TRAFFIC", BEING AN ORDINANCE REGULATING THE PARKING AND OPERATION OF VEHICLES WITHIN THE BOROUGH; TO LIMIT PARKING ON DEVONSHIRE PLACE

Be passed upon second and final reading, and that the Borough Clerk be, and is hereby authorized and directed, to advertise the same according to law by publishing the same by title in the Bergen Record.

ROLL CALL:

Council Member O'Hagan – yes Council Member Pazan - yes
Council Member Orseck – yes Council Member Surrageo - yes
Council Member Biggs - yes Council Member Nogara - yes

**BOROUGH OF GLEN ROCK
ORDINANCE NO. 1628**

AN ORDINANCE TO AMEND CHAPTER 216 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF GLEN ROCK - 1971 AS AMENDED ENTITLED "VEHICLES AND TRAFFIC", BEING AN ORDINANCE REGULATING THE PARKING AND OPERATION OF VEHICLES WITHIN THE BOROUGH; TO LIMIT PARKING ON DEVONSHIRE PLACE

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

Section I - Chapter 216 of the Revised General Ordinances of the Borough of Glen Rock 1971 as amended being an Ordinance entitled "Vehicles and Traffic" is hereby amended as to the following section:

1. Subsection 216-30 entitled "Schedule III: Time Limit Parking" is hereby amended by adding thereto the following:

Name of Street	Side	Time Limit	Location
Devonshire Place	Both	Monday through Friday; 4 hours	From Rock Road to a point 150' North thereof.

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: # 1629 (Doremus Avenue Easements)

Date of Final Reading: October 19, 2010

Date of Introduction: October 7, 2010

A motion to open public discussion on this ordinance was made by Council member Orseck, seconded by Council member O’Hagan. All were in favor.

A motion to close public discussion on this ordinance was made by Council member Orseck, seconded by Council member O’Hagan. All were in favor

Council Resolution #196-10

Introduced: Council Member Orseck

Seconded Council Member O’Hagan

AN ORDINANCE AUTHORIZING THE EXCHANGE OF AN EASEMENT OR RIGHT OF WAY ON A PORTION OF BOROUGH LANDS COMMONLY KNOWN AS 471 DOREMUS AVENUE (Lot 1, Block 43), TOGETHER WITH CONTIGUOUS PROPERTIES LOCATED AT 473 DOREMUS AVENUE (Lot 4, Block 44), 481 DOREMUS AVENUE (Lot 3, Block 44) AND 469 DOREMUS AVENUE (Lot 2, Block 43) LOCATED WITHIN THE BOROUGH OF GLEN ROCK FOR THE PUBLIC INGRESS/EGRESS UNDER A DRIVEWAY AGREEMENT/EASEMENT

Be passed upon second and final reading, and that the Borough Clerk be, and is hereby authorized and directed, to advertise the same according to law by publishing the same by title in the Bergen Record.

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

#1629 – Final Reading - AN ORDINANCE AUTHORIZING THE EXCHANGE OF OF AN EASEMENT OR RIGHT OF WAY ON A PORTION OF BOROUGH LANDS COMMONLY KNOWN AS 471 DOREMUS AVENUE (Lot 1, Block 43), TOGETHER WITH CONTIGUOUS PROPERTIES LOCATED AT 473 DOREMUS AVENUE (Lot 4, Block 44), 481 DOREMUS AVENUE (Lot 3, Block 44) AND 469 DOREMUS AVENUE (Lot 2, Block 43) LOCATED WITHIN THE BOROUGH OF GLEN ROCK FOR THE PUBLIC INGRESS/EGRESS UNDER DRIVEWAY AGREEMENT/EASEMENT

**BOROUGH OF GLEN ROCK
ORDINANCE NO. 1629**

**AN ORDINANCE AUTHORIZING THE EXCHANGE OF OF AN EASEMENT
OR RIGHT OF WAY ON A PORTION OF BOROUGH LANDS COMMONLY
KNOWN AS 471 DOREMUS AVENUE (Lot 1, Block 43), TOGETHER WITH
CONTIGUOUS PROPERTIES LOCATED AT 473 DOREMUS AVENUE (Lot 4,
Block 44), 481 DOREMUS AVENUE (Lot 3, Block 44) AND 469 DOREMUS
AVENUE (Lot 2, Block 43) LOCATED WITHIN THE BOROUGH OF GLEN
ROCK FOR THE PUBLIC INGRESS/EGRESS UNDER A DRIVEWAY
AGREEMENT/EASEMENT**

WHEREAS, the Borough of Glen Rock is the owner of property located at Lot 4, Block 44, commonly known as 473 Doremus Avenue, Glen Rock, New Jersey, which Borough property has shared a common driveway to/from Doremus Avenue, with contiguous properties located at Lot 1, Block 43, commonly known as 471 Doremus Avenue, Glen Rock, New Jersey, Lot 3, Block 44, commonly known as 481 Doremus Avenue, Glen Rock, New Jersey, and Lot 2, Block 43, commonly known as 469 Doremus Avenue, Glen Rock, New Jersey (hereinafter referred to collectively as the "Properties");

WHEREAS, the owners of the Properties, including the Borough of Glen Rock, desire to memorialize the use of the common driveway into a written document entitled "Driveway Agreement/Easement", a copy of which is on file with the office of the Borough Clerk.

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

1. The Borough of Glen Rock shall exchange, in a manner provided within N.J.S.A. 40A:12-1, et seq., entitled "Local Lands and Buildings Law", a driveway easement or right of way for public ingress/egress, pursuant to a Driveway Agreement/Easement covering a portion of Borough owned property shown on the tax assessment map of the Borough of Glen Rock, as Lot 4, Block 44, commonly known as 473 Doremus Avenue, Glen Rock, New Jersey, together with contiguous properties located at Lot 1, Block 43, commonly known as 471 Doremus Avenue, Glen Rock, New Jersey, Lot 3, Block 44, commonly known as 481 Doremus Avenue, Glen Rock, New Jersey, and Lot 2, Block 43, commonly known as 469 Doremus Avenue, Glen Rock, New Jersey.

2. Pursuant to the terms of the Driveway Agreement/Easement, the Borough of Glen Rock would assume the cost of maintenance of the common driveway area in exchange for the Owner of Lot 1, Block 43, commonly known as 471 Doremus Avenue, Glen Rock, New Jersey, which is about to consist of a 20 unit condominium, waive any contribution or payment by the Borough of Glen Rock for municipal services delineated under NJSA 40:67-23.2 - 23.8 of the Municipal Services Act.

3. The Mayor and Borough Clerk/Deputy Borough Clerk, are hereby authorized to execute the Driveway Agreement/Easement on behalf of the Borough of Glen Rock.

Section VI: The Ordinance shall take effect within the time and in the matter provided by law.

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

Ed Pucci – 64 Gibson Place – Mr. Pucci complained about the format of the Council seating (Council meetings are held in the Conference Room until the Council Chambers are finished renovations). Mr. Pucci referred to the survey and questioned why leaf removal or curbside pick-up are being eliminated.

Mayor van Keuren commented the Borough is attempting (through this survey) to get an indication from the residents where (if at all) services could be changed (due to budgetary constraints). The survey is not saying services will definitely change but rather what do you think. Mayor van Keuren applauded the Council for initiating the survey and asking the residents what they think.

Mr. Pucci argued this is an unfair question and this service has been provided for decades. Millions of dollars are being spent throughout town and the Council has the nerve to eliminate garbage pick-up.

Mayor van Keuren reminded Mr. Pucci that the State Legislatures that were elected by the public have imposed challenging financial constraints. This Council is trying to figure out how to meet these constraints with some municipalities going to far greater extremes than Glen Rock. Mayor van Keuren added because of these constraints he is not dismissing the possibility of eliminating services enjoyed for many years.

Mr. Pucci commented that the Borough has run out of money, which is why services are being eliminated. Mr. Pucci assured the Council he would personally see that they all are voted out of office if rear-yard garbage pick-up is eliminated.

Jim Seaton – Ferndale Avenue – Mr. Seaton questioned who the Mayor was meeting with on Saturday that the Mayor wouldn't disclose the subject. Mr. Seaton stated that as a taxpayer, everything that goes on in this town is his business.

Mayor van Keuren replied Mr. Seaton does not need to know every conversation that is conducted.

Mr. Seaton, once again, commented on the amount of money spent on "luxuries" outweighs what is spent on general maintenance.

Mayor van Keuren concluded by saying resident's who have conversations with him down at Starbucks are treated confidentially.

Alan Bronner – 522 Doremus Avenue – Mr. Bronner thanked Bob Tirserio, DPW, for getting the lights at the park turned off. Mr. Bronner commented that while driving through town today he noticed nine lights lit. Mr. Bronner commented with an artificial turf there will be ongoing expenses and who pays for this needs to be thoroughly discussed before any turf is put in. Mr. Bronner asked for an analysis of the ongoing costs and who would pay for them. Mr. Bronner commented with no children in the public school system he doesn't receive many benefits from the taxes he pays and would hate to see rear-yard pick-up lost. Mr. Bronner suggested the Recycling Center renovation be put on hold for a year until the 2011 budget is determined.

Janet Tocco – 124 Ellsworth Terrace – Ms. Tocco commented about the commuter shuttle service. Ms. Tocco believes this is an extremely beneficial program and would hate to see it discontinued. Ms. Tocco urged the Council to exhaust all possibilities before this program were eliminated.

Mayor van Keuren reiterated the Council can only control the Borough's small portion of the budget. Mayor van Keuren commented when a service that has more than a modest price tag associated with it provides a service to a relatively small number of people the Council has to take a close look at that service to determine if it can be continued. The State has swung the balance away from service and toward more financial control to which the Council is looking to respond.

Ms. Tocco urged the Council to give the commuters as much time as possible to make alternative arrangements.

Brian Smith – 753 Prospect Street – Mr. Smith also expressed concern about the shuttle and uses it daily. Mr. Smith believes the ridership is based on the number of yearly passes sold; however believes there are many people riding the shuttle without a pass. Before the program is cancelled a more accurate number of passengers should be obtained. Additionally, Mr. Smith was surprised to learn the town does not provide grass pick-up and the frequency of recycling pick-up (should be more).

7. ADJOURNMENT

Motion to adjourn the meeting and reopen the closed session was made by Council member Surrago

Seconded by Council member Biggs

Meeting adjourned at 9:15 p.m.

Paula A. Fleming, Deputy Borough Clerk