

AGENDA
BOROUGH OF NORWOOD
MAYOR AND COUNCIL
REGULAR MEETING
DECEMBER 7, 2010
8:00 PM

MAYOR BARSA

COUNCILMAN MARINO	COUNCIL PRESIDENT CONDOLEO
COUNCILWOMAN ORECCHIO	COUNCILMAN RAPAPORT
COUNCILMAN SCOTT	COUNCILMAN NICOLAI

Call to order

Flag Salute

Statement of Compliance: Adequate notice of this meeting has been provided in accordance with the Open Public Meeting Law, P.L. 1975, Ch. 231, setting forth the time, date, place and purpose of this Public Meeting through a legal notice published in the Record and Press Journal.

Roll Call of the Council:

Mayor Barsa _____	
Councilman Marino _____	Council President Condoleo _____
Councilwoman Orecchio _____	Councilman Rapaport _____
Councilman Scott _____	Councilman Nicolai _____

Mayor Barsa points out the Fire Exits

Public Comment:

Members of the public are welcome to speak on items of interest on the agenda by coming to the microphone and stating name and address for the record.

Presentation to recipients by the Norwood Runners' Association for the 5K Run held on Saturday, October 23, 2010

Correspondence:

1. A thank you letter from the Robert's Family
2. A resolution from the City of Clifton urging passage of the "Tool Kit" Legislation
3. A thank you letter from the Norwood Runner's Association
4. Letter from Mr. George Christiano, 951 Broadway regarding construction and drainage work done at his neighbor's house
5. Letter from Clean Energy, New Jersey thanking the Borough for participating in the Energy Efficiency and Conservation Block Grant Rebate Program
6. Letter from Assemblywoman Charlotte Vandervalk regarding the Borough's Resolution urging passage of reform to binding arbitration law

Consent Agenda:

Matters listed below are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item be removed for consideration.

Approval of the minutes of the November 3, 2010 Regular Meeting, October 27, 2010 Executive/Work Meeting and November 12, 2010 Special Meeting

- 10:204 Authorizing the payment of bills and vouchers in the amount of *\$To be supplied by CFO*
- 10:205 Authorizing the submission of an application to permit the Borough of Norwood to participate in a County Auction for electric and natural gas
- 10:206 Authorizing the Borough Clerk to advertise for the receipt of bids for the Pumping Station Improvements
- 10:207 Authorizing the settlement of Norwood Associates II, LLC v Borough of Norwood filed in New Jersey Tax Court
- 10:208 CY 2010 Budget Emergency Appropriation for Unemployment Compensation
- 10:209 Authorizing settlement of Tax Appeal of Florence, Kathleen and Mary Kennedy, 59 Carpenter Avenue, Block 136, Lot 16
- 10:210 Refund Tax Over Payment on Block 103, Lot 9
- 10:211 Refund Tax Over Payment on Block 26, Lot 2
- 10:212 Refund of Tax Over Payment on Block 120, Lot 17
- 10:213 Refund and Reduction of taxes for Block 7, Lot 15.17 CT 300
- 10:214 Refund and Reduction of taxes for Block 7, Lot 15.17 CT 308
- 10:215 Refund and Reduction of taxes for Block 13, Lot 4
- 10:216 Approving a modification to Personnel Practices and Procedures and Employee Handbook

Introduction of Bond Ordinance 10:16 entitled: *title to be supplied by Bond Counsel*

Committee Reports:

General Public Comment

Approval of Resolution 10:217 Authorizing the Mayor and Council to convene into closed session to discuss a Ground Lease Agreement with Fox Hill Manor – Formal Action May Be Taken

Adjournment

BOROUGH OF NORWOOD

BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 10:205

OFFERED BY _____ SECONDED BY _____

WHEREAS, the County of Bergen was successful in negotiating a lower price for natural gas with third party suppliers utilizing the World Energy Online Reverse-Auction platform; and

WHEREAS, due to the historically low natural gas and electric market prices, the County is creating a cooperative purchasing group; and

WHEREAS, the County has invited all municipalities to join this group and participate in upcoming gas and electric auctions; and

WHEREAS, the governing body deems it to be in the best interest of the Borough to participate.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Norwood that the Borough Clerk/Administrator is hereby authorized to complete and submit the required forms as outlined in the County Executive's letter dated October 18, 2010.

ROLL CALL:

	Ayes	Nays	Abstain	Absent
Marino	_____	_____	_____	_____
Orecchio	_____	_____	_____	_____
Scott	_____	_____	_____	_____
Nicolai	_____	_____	_____	_____
Rapaport	_____	_____	_____	_____
Condoleo	_____	_____	_____	_____

I hereby certify that the above is a true copy of a resolution passed by the Council of the

Borough of Norwood at the meeting held on _____ 20_____

SEAL

Borough Clerk

BOROUGH OF NORWOOD

BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 10:306

OFFERED BY SECONDED BY

BE IT RESOLVED by the Mayor and Council of the Borough of Norwood, Bergen County, New Jersey that the Plan and Specifications for the Pumping Station Improvements as prepared by Neglia Engineering and approved by the New Jersey Department of Environmental Protection as part of the New Jersey Environmental Infrastructure Financing Program, are hereby approved and the Borough Clerk is hereby authorized to advertise for the receipt of bids.

ROLL CALL:

	Ayes	Nays	Abstain	Absent
Marino	_____	_____	_____	_____
Orecchio	_____	_____	_____	_____
Scott	_____	_____	_____	_____
Nicolai	_____	_____	_____	_____
Rapaport	_____	_____	_____	_____
Condoleo	_____	_____	_____	_____

I hereby certify that the above is a true copy of a resolution passed by the Council of the Borough of Norwood at the meeting held on 20

SEAL

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Borough Clerk

RESOLUTION OF THE BOROUGH OF NORWOOD

RESOLUTION AUTHORIZING SETTLEMENT OF NORWOOD ASSOCIATES II, LLC. V. BOROUGH OF NORWOOD, FILED IN THE TAX COURT OF NEW JERSEY, DOCKET NOS.: 009169-07, 006235-08, 002555-09 & 004240-2010 WITH RESPECT TO BLOCK 145, LOT 1

RESOLUTION NO.: _____ -10:2007

WHEREAS, Norwood Associates II, LLC is the owner of a 150 unit garden apartment complex located on Blanch Avenue, Norwood, New Jersey, known as Block 145, Lot 1 and has filed tax appeals challenging the Borough's real estate tax assessments for its property for tax years 2007, 2008, 2009 and 2010;

WHEREAS, the assessment for the above referenced property was \$9,573,800.00 for tax year 2007 and \$17,510,200.00 for tax years 2008, 2009 and 2010;

WHEREAS, the Borough's Special Tax Counsel, Joseph A. Pojanowski, III, Esq. in conjunction with its Real Estate Expert, Donald Helmstetter MAI, along with the Borough's Tax Assessor, John Guercio have thoroughly reviewed all of the data submitted in this case including the appraisal reports of both Mr. Helmstetter and the Plaintiff's Real Estate Expert and believe that it would be in the best interest of the Municipality and that it would be fair and equitable to the taxpayer to authorize Joseph A. Pojanowski, III, Esq., to settle the above mentioned tax appeals and bind the Municipality to an assessment for tax year 2007 in the amount of \$8,348,700.00 and for tax years 2008, 2009 and 2010 an assessment of \$17,000,000.00; and

WHEREAS, as part of the settlement the Assessor would also assess the subject property for tax year 2011 and 2012 at \$16,500,000.00; and

WHEREAS, the taxpayer has agreed that provided the refund is paid to the taxpayer within forty five days of the receipt of the Tax Court Judgment that all interest would be waived; and

WHEREAS, the Borough's Special Tax Counsel, its Real Estate Consultant and its Assessor agree that this settlement is in the best interest of the taxpayers of the Borough of Norwood and that it is fair and equitable to the taxpayer.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Norwood approves the reduction in the assessment for property known as Blanch Avenue, Norwood, New Jersey, Block 145, Lot 1 for tax year 2007 from \$9,573,800.00 to \$8,348,700.00, for tax year 2008, 2009 and 2010 from \$17,510,200.00 to \$17,000,000.00 for each year; and

BE IT FURTHER RESOLVED, that the governing body authorizes the Tax Assessor to set the assessment for the subject property at \$16,500,000.00 for tax year 2011 and year 2012.

BE IT FURTHER RESOLVED, that as part of this settlement the taxpayer agrees that it shall waive interest on all refund payments provided the refund is made within forty five days of the receipt of the Tax Court Judgment by the Tax Collector's Office; and

BE IT FURTHER RESOLVED, that Joseph A. Pojanowski, III, Esq., Special Tax Counsel to the Borough of Norwood is specifically authorized to accept settlement stipulations pertaining to each of the above cases in order to settle these cases in the Tax Court of New Jersey;

BE IT FURTHER RESOLVED, that a true copy of this Resolution shall be forwarded to the Assessor, John Guercio, and to Joseph A Pojanowski III, Esq., Special Tax Counsel as soon as practicable so that he can complete the settlement process.

INTRODUCED: _____ SECONDED BY: _____

ADOPTED _____, by roll call vote as follows:

	Yes	No	Abs		Yes	No	Abs
Condoleo	[]	[]	[]	Orecchio	[]	[]	[]
Marino	[]	[]	[]	Rapaport	[]	[]	[]
Nicolai	[]	[]	[]	Scott	[]	[]	[]

I hereby certify that the above Resolution was passed by the Council of the Borough of Norwood at a meeting held on _____ of _____, 2010

Lorraine L. McMackin, Borough Clerk

BOROUGH OF NORWOOD

BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 10:208

OFFERED BY SECONDED BY

CY 2010 Budget – Emergency Resolution

WHEREAS, an emergency has arisen with respects to Unemployment Compensation, and no adequate provision have been made in the 2010 Budget for the aforesaid purpose, and N.J.S.A. 40A: 4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriations created including this resolution is \$65,000.00 and three percent of the total operations in the budget for year 2010 is \$269,733.60.

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S.A. 40A: 4-48:

1. An emergency appropriation be and the same is hereby made for:

Unemployment Compensation	\$65,000.00
---------------------------	-------------
2. That said emergency appropriations will be provided for in the 2011 budget.
3. That two certified copies of this resolution be filed with the Director of Local Government Services.

ROLL CALL:

	Ayes	Nays	Abstain	Absent
Marino	_____	_____	_____	_____
Orecchio	_____	_____	_____	_____
Scott	_____	_____	_____	_____
Nicolai	_____	_____	_____	_____
Rapaport	_____	_____	_____	_____
Condoleo	_____	_____	_____	_____

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SEAL

Borough Clerk

BOROUGH OF NORWOOD

BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 10:209

OFFERED BY SECONDED BY

**Authorizing Settlement of Tax Appeal of
Florence, Kathleen and Mary Kennedy**

WHEREAS, Florence, Kathleen and Mary Kennedy filed a tax appeal with Bergen County Board of Taxation ("Board") for the tax year 2009 for the property known as tax lot 16 in block 136, 59 Carpenter Avenue, Norwood, New Jersey, the Board entered a judgment affirming the assessment of \$530,500 without prejudice, the taxpayers filed a further appeal with the Tax Court of New Jersey and the Tax Assessor and the Borough Attorney recommended that the appeal be settled with an assessment of \$500,000.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Norwood that:

1. A settlement in regard to the above-referenced tax appeal is approved in accordance with the terms set forth above and the Borough Attorney and Tax Assessor are authorized and directed to execute any and all documents necessary to effectuate this settlement; and
2. The settlement shall provide that the taxpayers will waive statutory interest on any refund due for the overpayment of taxes provided that the refund is paid within 60 days of the date of the entry of judgment.

ROLL CALL:

	Ayes	Nays	Abstain	Absent
Marino	_____	_____	_____	_____
Orecchio	_____	_____	_____	_____
Scott	_____	_____	_____	_____
Nicolai	_____	_____	_____	_____
Rapaport	_____	_____	_____	_____
Condoleo	_____	_____	_____	_____

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Resolution Authorizing Settlement of Tax Appeal Alaverdian.docx

SEAL

Borough Clerk

BOROUGH OF NORWOOD

BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 10-210

OFFERED BY SECONDED BY

Refund Tax Overpayment of Taxes on 103 lot 9

WHEREAS, the following homeowners are entitled to a refund of property tax for overpayment of the 4th quarter 2010.

Muller, Robert & Maria
16 Winthrop St
Norwood, NJ 07648
And,

WHEREAS, the total of the overpayment is in the amount of \$258.87

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Norwood that the Chief Financial Officer shall issue a refund in the amount of \$258.87 for overpayment of 2010 property taxes.

ROLL CALL:

	Ayes	Nays	Abstain	Absent
Marino	_____	_____	_____	_____
Orecchio	_____	_____	_____	_____
Scott	_____	_____	_____	_____
Nicolai	_____	_____	_____	_____
Rapaport	_____	_____	_____	_____
Condoleo	_____	_____	_____	_____

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Borough Clerk

BOROUGH OF NORWOOD

BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. *10:211*

OFFERED BY SECONDED BY

Refund Tax Overpayment of Taxes on block 26 lot 2

WHEREAS, the following homeowners are entitled to a refund of property tax for overpayment of the 4th quarter 2010.

Misciagna, Arthur and Valerie
155 Broadway
Norwood, NJ 07648
And,

WHEREAS, the total of the overpayment is in the amount of \$584.35.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Norwood that the Chief Financial Officer shall issue a refund in the amount of \$584.35 for overpayment of 2010 property taxes.

ROLL CALL:

	Ayes	Nays	Abstain	Absent
Marino	_____	_____	_____	_____
Orecchio	_____	_____	_____	_____
Scott	_____	_____	_____	_____
Nicolai	_____	_____	_____	_____
Rapaport	_____	_____	_____	_____
Condoleo	_____	_____	_____	_____

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Borough Clerk

BOROUGH OF NORWOOD

BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 10:212

OFFERED BY SECONDED BY

Refund Tax Overpayment of Taxes on Block 120 lot 17

WHEREAS, the following homeowners are entitled to a refund of property tax for overpayment of the 4th quarter 2010.

Kravitz, Michael and Wendy
303 Summit St
Norwood, NJ 07648
And,

WHEREAS, the total of the overpayment is in the amount of \$528.50

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Norwood that the Chief Financial Officer shall issue a refund in the amount of \$528.50 for overpayment of 2010 property taxes.

ROLL CALL:

	Ayes	Nays	Abstain	Absent
Marino	_____	_____	_____	_____
Orecchio	_____	_____	_____	_____
Scott	_____	_____	_____	_____
Nicolai	_____	_____	_____	_____
Rapaport	_____	_____	_____	_____
Condoleo	_____	_____	_____	_____

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Borough Clerk

BOROUGH OF NORWOOD

BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 101213

OFFERED BY SECONDED BY

To Reduce and Refund 2009 and 2010 Taxes

WHEREAS, a successful Tax Court Appeal Judgment was awarded to Block 7 lot 15.17 and Qualifier CT 300, assessed to Cohen, Marc A and Yvonne at Borough of Norwood for 2009 and 2010.

WHEREAS, the assessed value changed for 2009 and 2010 to an assessed value of \$1,162,500 and \$1,062,500.00 for block 7 lot 15.17 Qualifier CT300.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Borough of Norwood, That the Tax collector be and is hereby authorized to reduce and refund the 2009 and 2010 taxes on Block 7 lot 15.17 CT300 in the amount of \$2666.16 for 2009 and \$4502.25 for 2010 due to the successful State Tax Court Appeal including amendments, Resulting in a total refund of \$7168.41.

ROLL CALL:

	Ayes	Nays	Abstain	Absent
Marino	_____	_____	_____	_____
Orecchio	_____	_____	_____	_____
Scott	_____	_____	_____	_____
Nicolai	_____	_____	_____	_____
Rapaport	_____	_____	_____	_____
Condoleo	_____	_____	_____	_____

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Borough Clerk

BOROUGH OF NORWOOD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. *10-214*

OFFERED BY SECONDED BY

To Reduce and Refund 2010 Taxes

WHEREAS, a successful Tax Court Appeal Judgment was awarded to Block 7 lot 15.17 and Qualifier CT 308, assessed to Papalexis Gregory, at Borough of Norwood for 2010.

WHEREAS, the assessed value changed for 2010 to an assessed value of \$1,500,000 for block 7 lot 15.17 Qualifier CT308.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Borough of Norwood, That the Tax collector be and is hereby authorized to reduce and refund the for 2010 taxes on Block 7 lot 15.17 CT308 in the amount of \$6096.15 for 2010 due to the successful State Tax Court Appeal including amendments, Resulting in a total refund of \$6096.15.

ROLL CALL:

	Ayes	Nays	Abstain	Absent
Marino	_____	_____	_____	_____
Orecchio	_____	_____	_____	_____
Scott	_____	_____	_____	_____
Nicolai	_____	_____	_____	_____
Rapaport	_____	_____	_____	_____
Condoleo	_____	_____	_____	_____

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.....
Borough Clerk

BOROUGH OF NORWOOD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. *10!215*

OFFERED BY SECONDED BY

To Reduce and Refund 2010 Taxes

WHEREAS, a successful Tax Court Appeal Judgment was awarded to Block 13 lot 4, assessed to Willinger, Lowell D, at Borough of Norwood for 2010.

WHEREAS, the assessed value changed for 2010 to an assessed value of \$1,300,000 for block 13 lot 4

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Borough of Norwood, That the Tax collector be and is hereby authorized to reduce and refund the for 2010 taxes on Block 13 lot 4 in the amount of \$862.50 for 2010 due to the successful State Tax Court Appeal ,Freeze Act, including amendments, Resulting in a total refund of \$862.50.

ROLL CALL:

	Ayes	Nays	Abstain	Absent
Marino	_____	_____	_____	_____
Orecchio	_____	_____	_____	_____
Scott	_____	_____	_____	_____
Nicolai	_____	_____	_____	_____
Rapaport	_____	_____	_____	_____
Condoleo	_____	_____	_____	_____

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Borough Clerk

BOROUGH OF NORWOOD
BERGEN COUNTY, NEW JERSEY

RESOLUTION

No. 10:216

OFFERED BY SECONDED BY

Approving Modification to Personnel Policies and Procedures and Employee Handbook

WHEREAS, the Mayor and Council finds that the Employee Handbook should be amended, pursuant to the Code of the Borough of Norwood, Chapter 46, Personnel Policies and Procedures.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Norwood, that the Council approves the following addition to Section 3 of the Employee Handbook:

Emergency Service Volunteer Leave Policy:

Any full-time employee who is a member in good standing of any Norwood emergency service volunteer organization is entitled to two non-consecutive days paid leave in each calendar year, excluding Mondays and Fridays, to participate in community service in Norwood that is directly related to the employee's Norwood volunteer emergency service.

ROLL CALL:

	Ayes	Nays	Abstain	Absent
Marino	_____	_____	_____	_____
Orecchio	_____	_____	_____	_____
Scott	_____	_____	_____	_____
Nicolai	_____	_____	_____	_____
Rapaport	_____	_____	_____	_____
Condoleo	_____	_____	_____	_____

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I hereby certify that the above is a true copy of a resolution passed by the Council of the
Borough of Norwood at the meeting held on 20

SEAL

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Borough Clerk