

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

JANUARY 16, 2013

1. Chief Ulshoefer led the Salute to the Flag and Pledge of Allegiance.
2. The Borough Clerk announced that this is a Regular Meeting of the Mayor and Council of which at least 48 hours' notice has been given by posting in the Borough Hall, publication in The Record and delivery to all members of the governing body.
3. Mayor Romeo called the meeting to order at 7:42 P.M.
4. Present: Council Members Brennan, Cleary, Mueller, Olmo, Savas, Tsigounis
Also Present: Attorney Salvatore, Borough Officials Vaccaro, Mann, Chief Ulshoefer, Captain Domville
5. Motion by Council Member Tsigounis and seconded by Council Member Cleary to approve the minutes of the Mayor and Council Sine Die and Annual Meetings of January 2, 2013.

Roll Call: Yes – Unanimous

Motion adopted.

COMMUNICATIONS

6. Minutes of the following meeting:

Environmental Commission

December 19, 2012

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Tsigounis said our Historian, Carol Banicki met with School Supt. Dr. Bellina and will meet with the Social Studies Supervisor to continue the pursuit of the core projects they are undertaking, which includes the History of Cresskill quiz. The next Historical Committee meeting will be February 21st at 6:30 pm at the Library.

Council Member Savas said they were able to get a second distribution of flu vaccines for our senior citizens. Anyone interested can contact Donnjo at the Senior Center. Also, there is not a shortage of flu vaccines; all the local pharmacies have them.

Council Member Brennan said he is glad Chief Wrixon is okay after the car accident he was in.

The latest edition of the Cresskill newsletter came out and the front cover is beautiful. We've received the new furniture for the Community Center lobby, which seats seven. I've sent the electric bills requested by EMEX and we should be hearing from them soon.

Council Member Cleary said he attended the JIF meeting last week and they spoke a great deal about accidents due to lifting.

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

CONSENT AGENDA

NEW BUSINESS

*Resolutions

9. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Tax Collector be, and hereby is, authorized to effect the following tax refunds due to overpayment of taxes:

<u>TAX PERIOD</u>	<u>QUAL</u>	<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
2 nd Qtr 2011		48	659	Jeanine A. Roberts 123 5 th Street Cresskill, NJ 07626	\$ 469.77
1 st Qtr 2012		144	247	Marianne Bloom 166 12 th Street Cresskill, NJ 07626	\$ 2,590.00
1 st Qtr 2012		91.07	1	Gregg D. Rock 118 Hoover Drive Cresskill, NJ 07626	\$ 1,761.00
1 st Qtr 2012		22	4	Anthony Corona 78 Prospect Avenue Cresskill, NJ 07626	\$ 3,103.56
1 st Qtr 2012		3.01	4	Carmine DiBianco 329 Grant Avenue Cresskill, NJ 07626	\$ 1,888.99
1 st Qtr 2012		189	5	Elaine M. Riehle 41 Douglas Drive Cresskill, NJ 07626	\$ 398.87
2 nd Qtr 2012		91.04	17	Richard E. Levine 59 Huyler Landing Rd Cresskill, NJ 07626	\$ 2,641.00
3 rd Qtr 2012		36	182	Paul Chiusano 177 5 th Street Cresskill, NJ 07626	\$ 220.00
3 rd Qtr 2012		193	1	Ashley Fitzpatrick 296 Brookside Ave. Cresskill, NJ 07626	\$ 323.67
3 rd Qtr 2012		61	1081	K. Soule 93 6 th Street Cresskill, NJ 07626	\$ 2,348.27
3 rd Qtr 2012		35	219	Robert Moarkech 176 5 th Street Cresskill, NJ 07626	\$ 176.94
3 rd Qtr 2012		75	9	Kadri Mirzo 85 Westervelt Place Cresskill, NJ 07626	\$ 120.00

3 rd Qtr 2012	C003M	41	1.06	Mary Laginestra 452 Elm Avenue River Edge, NJ 07661 (Re: 5 Tenkill Pk Dr. #313)	\$ 276.54
3 rd &4 th Qtr 2012		41	2	6 Madison Ave. Assoc. 1000 Portside Drive Edgewater, NJ 07020 (Re: 10 Madison Ave.)	\$ 767.60
3 rd &4 th Qtr 2012		122	125	Cresskill Mill c/o Asset Realty 155 No. Dean Street 4 th Floor Englewood, NJ 07631 (Re: Madison Ave.)	\$ 1,893.52
4 th Qtr 2012		92.07	39	Robert Soudant 2815 28 th Court Jupiter, FL 33477 (Re: 166 Palisade Ave.)	\$ 191.00
4 th Qtr 2012		206	17	David & Ban Lee Elizabeth Soomin 6 Buckingham Road Cresskill, NJ 07626	\$ 387.66
4 th Qtr 2012		44	815	Michele Cerone 168 9 th Street Cresskill, NJ 07626	\$ 2,324.00

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

WHEREAS, the following participants are due refunds for various reasons;

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

Elizabeth Friedman
(for: Eddie Friedman)
279 Jefferson Avenue
Cresskill, NJ 07626
Amount: \$60.00

Melissa Van Cleft
(for: Jonathan Van Cleft)
35 Magnolia Avenue
Cresskill, NJ 07626
Amount: \$185.00

11. INTERBORO MUTUAL AID GROUP AGREEMENT

WHEREAS, it is the intent of the undersigned municipalities, its fire departments and respective fire companies to enter into a mutual aid and assistance program pursuant to and required by law as set forth in NJAC 5:75A-2.2; and

WHEREAS, this agreement is intended to supersede any earlier agreements which may have been signed between the parties hereto; and

WHEREAS, this agreement shall be by and between the following boroughs, towns, municipalities, fire departments and fire companies and the parties agree to be bound thereby;

Alpine
Bergenfield
Closter
Cresskill
Demarest

Dumont
Harrington Park
Haworth
New Milford
Northvale

Norwood
Old Tappan
Rockleigh
Tenafly

WHEREAS, it is necessary to have an agreement to define the obligations and duties of the parties of the Interboro Mutual Aid Group;

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual promises and covenants contained herein, the parties covenant and agree as follows:

(1) Call for assistance: All calls for assistance among the Mutual Aid members shall be made through the dispatch facility of the department or municipality for the department or municipality requiring assistance to the dispatch facility for the town from which assistance is requested. The request for assistance shall come from the Fire Chief or other ranking officer in charge of the fire or emergency incident. The town(s) requesting the assistance shall give the following information: location of the fire or emergency incident, route to be taken, and type of equipment requested. Towns requesting assistance shall have a police radio car on the town boundary line to meet the apparatus and escort them to the location of the fire or emergency incident if needed.

(2) The Fire Chief, Deputy Fire Chief, Assistant Fire Chief or ranking officer in charge of the fire department that called for assistance shall be in charge of the fire or emergency incident in accordance with NJAC 5:75 et seq. Apparatus reporting in from other towns shall report to the Staging Officer or other appropriate Commander at the scene prior to placing apparatus and personnel to work.

(3) There shall be no charge imposed against any member municipality or department receiving personnel, apparatus or equipment.

(4) Cost recovery may only be imposed where permitted by the New Jersey Uniform Fire Code; federal, state and local laws allowing for cost recovery involving hazardous material incidents; or cost recovery that is considered recoverable under law from responsible parties.

(5) Each of the aforementioned municipalities agrees to assume the cost of loss or damage to its own equipment.

(6) It is understood and agreed that in the event of the failure of any of the departments to respond to the call for assistance, the department and municipality failing to respond shall in no way be liable.

(7) It is understood that the Agreement will take effect and be operative by all municipalities and departments that sign same until such time as any municipality or department provides notice of their intent to withdraw from the mutual aid group. A 30-day written notice shall be given by any party to this Agreement of their intention to withdraw from this Agreement. The agreement shall remain in full force thereafter as regards the remaining signatories.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Mayor and Council of all aforementioned municipalities.

12. Approval to submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Phelps Avenue – Section 2 Improvement Program Project

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cresskill formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as 00552 to the New Jersey Department of Transportation on behalf of the Borough of Cresskill.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Cresskill and that their signature

labeled Acquisition and Installation of a Weather Station/Lightning Detection and Warning Systems on the outside and addressed to: Mayor and Council, Borough of Cresskill, and must be accompanied by a Non-Collusion Affidavit and a certified check or bid bond for not less than ten (10%) percent of the amount bid, provided said check/bond need not be more than \$20,000 nor shall not be less than \$500, and be delivered at the place on or before the hour named above. The standard proposal form and the Non-Collusion Affidavit are attached to the supplemental specifications, copies of which will be furnished on application to the Borough Clerk.

The Borough of Cresskill reserves the right to reject any and all bids, to waive any informalities or irregularities in the bids received and to accept the bid of the lowest, responsible bidder.

Prior to the award of this Contract, and in accordance with Chapter 127, PL 1975, the Contractor shall file an Affirmative Action Plan with the State Treasurer.

By order of the Mayor and Council
Barbara Nasuto
Borough Clerk”

4. That the said Clerk be and hereby is empowered and directed to insert in the space for dates such convenient hour and day as will cause the opening of bids to take place not less than ten (10) days after the date of the first publication of the advertisement, to notify each and every member of this body, in writing, that a meeting thereof will be held on the day at the hour named to receive all bids sent or delivered.
15. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that Michael Hamlett be appointed as full-time Facilities Manager of the Community Center, retroactive from January 1, 2012.
16. BE IT RESOLVED:
 1. That the specifications for the Joe Henry Field Sports Lighting Project in the Borough of Cresskill be and the same are hereby approved.
 2. That immediately upon said approval and not later than thirty (30) days after the date thereof, the Clerk of this body be and hereby is directed to advertise for bids for the project at least ten (10) days before receipt of bids in the The Record, a paper printed in this County.
 3. That said advertisement shall read as follows:

“BOROUGH OF CRESSKILL

Joe Henry Field Sports Lighting Project

Notice is hereby given that sealed bids will be received by the Mayor and Council of the Borough of Cresskill for the Joe Henry Field Sports Lighting Project in the Borough of Cresskill. Bids will be opened and read in public at the Municipal Building on Tuesday, February 5, 2013, at 11:00 AM Prevailing Time. Specifications and forms of bids for the proposed work are on file in the office of the Borough Clerk and may be inspected by prospective bidders during business hours on or after January 18, 2013.

Bidders will be furnished with a copy of the specifications on proper notice. Bids must be made on standard proposal forms in the manner designated therein and required by the specifications, must be enclosed in sealed envelopes bearing the name of the bidder and labeled Joe Henry Field Sports Lighting Project on the outside and addressed to: Mayor and Council, Borough of Cresskill, and must be accompanied by a Non-Collusion Affidavit and a certified check or bid bond for not less than ten (10%) percent of the amount bid, provided said check/bond need not be more than \$20,000 nor shall not be less than \$500, and be delivered at the place on or before the hour named above. The

standard proposal form and the Non-Collusion Affidavit are attached to the supplemental specifications, copies of which will be furnished on application to the Borough Clerk.

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Barbara Nasuto
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17. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that Joseph D. Bruttomesso be approved for employment as a probationary full-time Police Dispatcher in the Cresskill Police Department, effective immediately, at salary in accordance with Ordinance No. 12-09-1430.
18. RESOLUTION AUTHORIZING ACTION ON THE POL/EPL PREMIUM OPTIONS OFFERED THROUGH XL INSURANCE COMPANY AND THE JOINT INSURANCE FUND (JIF)

WHEREAS, the Borough of Cresskill (hereinafter, the Borough) is a member of the Bergen County Municipal Joint Insurance Fund (hereinafter, the JIF) for all Property and Casualty coverages (including but not limited to Property, General Liability, Inland Marine and Workers Compensation) and more specifically, Public Officials Liability and Employment Practices Liability (hereinafter, POL/EPL) coverage; and

WHEREAS, the POL/EPL coverage is provided by XL Insurance Company, through a separate insurance contract held by the JIF on behalf of its member municipalities; and

WHEREAS, the 2013 renewal program offered by XL Insurance Company allows for various options to change both deductibles and co-insurance, at an additional premium; and

WHEREAS, the Municipal Risk Management Consultant (hereinafter, the RMC) has performed due diligence in reviewing the options and provided a recommendation for consideration during a recent public meeting of the Mayor and Council; and

WHEREAS, the Mayor and Council, after reviewing and discussing the options presented and recognizing the timeframe for action does hereby agree to take action.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council, Borough of Cresskill, County of Bergen, State of New Jersey, the Mayor and RMC are hereby authorized and directed to effectuate the following option:

\$20,000 Deductible with a 20% Co-Insurance of the 1st \$100,000. of claim

As stated in the Memorandum issued by the JIF Underwriting Manager and made a part of this Resolution, for a January 1, 2013 effective date; and

BE IT FURTHER RESOLVED, the Mayor is hereby authorized to execute the applicable documents(s) to effectuate this coverage option; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to Professional Insurance Associates, 429 Hackensack Street, P.O. Box 818, Carlstadt, NJ 07072, Risk Management Consultant to the Borough of Cresskill.

Adopted this day: _____, 2013

ATTEST:

Mayor

Municipal Clerk

Motions

19. Appoint Lois Salvatore to Cresskill Pool Commission for term ending Dec. 31, 2015.

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

20. No one wished to be heard.
21. Motion by Council Member Tsigounis and seconded by Council Member Olmo to close the meeting to remarks on agenda items.

Roll Call: Yes - Unanimous Motion adopted.

22. Motion by Council Member Tsigounis and seconded by Council Member Savas to consider all items marked with an asterisk as a single question.

On the question: The Borough Clerk announced that copies of all items marked with an asterisk have been posted in the Borough Hall and made available to the public.

Roll Call: Yes – Unanimous Motion adopted.

23. Motion by Council Member Tsigounis and seconded by Council Member Savas to adopt all items with an asterisk as a single question.

Roll Call: Yes - Unanimous Motion adopted.

PRESENTATION OF BILLS

24. Resolution by Council Member Olmo and seconded by Council Member Brennan:

(Resolution in full on pages 20A through 20E.)

Roll Call: Yes – Unanimous Resolution adopted.

REMARKS FROM THE PUBLIC FOR THE GOOD AND WELFARE OF THE BOROUGH [Reported by Deputy Borough Clerk Patricia A. McKim.]

25. Howard Tiedemann, 101 7th Street said the spotlight in the back of the firehouse is fixed. Mr. Tiedemann said there are no dropped (handicapped) curbs at the high school. There is one handicapped spot in the school parking lot, but you have to step up onto the curb and it's very dark. My wife felt very uneasy stepping up and down the curb. Mayor Romeo said he looked at it and there is a dropped curb, but it's not near the handicapped spot. I'm going to speak to the BOE and see what they can do to correct the situation, as well as add additional lighting in the area.

Mayor Romeo asked Recreation Director Barbara Mann about the availability of the gyms in the Middle Schools for Recreation programs. Ms. Mann said they are being used only for basketball because soccer hasn't started yet.

No one else wished to be heard.

26. Motion by Council Member Tsigounis and seconded by Council Member Olmo to close the meeting to remarks from the public.

Roll Call: Yes – Unanimous Motion adopted.

27. Resolution by Council Member Tsigounis and seconded by Council Member Brennan:

RESOLVED that pursuant to Subsection 7(b) of the Open Public Meetings Act the public can be excluded from a public meeting so that proceedings can be conducted in closed session and the Mayor and Council now intending to discuss:

pending or anticipated litigation involving Cresskill;

personnel matters involving employment, appointment, termination, evaluation, discipline or promotion of Cresskill personnel; Committees and Boards.

negotiations involving employees of Cresskill;

protection of the safety of public property;

matters which, if disclosed, would work an unwarranted invasion of privacy;

purchase or lease of real property;

deliberations after a public hearing that may result in the imposition of a penalty or loss or suspension of a license or permit;

matters which, if disclosed, would impair a right to receive United States Government funds;

matters rendered confidential by Federal or State law;

this meeting shall be continued in closed session and the discussion in closed session shall be disclosed to the public upon taking final action thereon, provided disclosure shall not release the attorney-client privilege or constitute an undue invasion of privacy.

RESOLVED further that although not now anticipated, the Mayor and Council reserve the right to return to open session upon conclusion of the closed session.

Roll Call: Yes - Unanimous. Resolution adopted.

28. Motion at 7:55 P.M. by Council Member Tsigounis and seconded by Council Member Olmo to adjourn the meeting.

Roll Call: Yes - Unanimous. Motion adopted.

Benedict Romeo
Mayor

Barbara A. Nasuto
Borough Clerk