

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

FEBRUARY 15, 2012

1. Joe Spina 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 7:37 P.M.
4. Present: Council Members Brennan, Cleary, Mueller, Olmo, Savas, Tsigounis
Also Present: Attorney Salvatore, Borough Officials Laufeld, McKim, Chief Wrixon

COMMUNICATIONS

5. Minutes of the following meeting:

Planning Board

January 24, 2012

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

6. Council Member Tsigounis said the High School Student Council is holding a dinner dance for the senior citizens tomorrow night at 5:30 pm at the High School. The Library will be hosting a lecture "Discover iPad II" tomorrow night at 7:00 pm presented by Dave Marra of Apple Computers.

Council Member Savas said the Municipal Alliance has begun making plans for some activities this year. Reverend Cabrera will coordinate a program with the High School on the transition of going from high school to college for students and parents.

Council Member Brennan said one of our crossing guards was hit by a car last week. He is recovering at home and the Police investigation is still ongoing.

Council Member Cleary said he and Administrator Vaccaro have started to review firefighter applications and resumes and many look exceptional.

Council Member Mueller said the Zoning Board will continue hearing Dunroven's application at their next meeting on February 23rd.

The Cresskill-Demarest Rotary Club will be holding their annual dinner on April 6th at the High School. Mayor Romeo asked why they will not allow us to have a municipal membership so we could have a different borough official go each week and talk on various subjects. Council Member Mueller said he would look into it.

UNFINISHED BUSINESS

ORDINANCE ON FINAL READING

Ordinance No. 12-02-1424 Amend Chapter 15 – Cresskill Volunteer Ambulance & Emergency Services Co.

7. Motion at 7:43 PM by Council Member Brennan and seconded by Council Member Savas to introduce Ordinance No. 12-02-1424 Amend Chapter 15 – Cresskill Volunteer Ambulance & Emergency Services Co. on final reading by title only.

Roll Call: Yes - Unanimous Motion adopted.

8. Council Member Brennan read the title:

AMEND CHAPTER 15 – CRESSKILL VOLUNTEER
AMBULANCE & EMERGENCY SERVICES COMPANY

(Ordinance in full on pages 20A through 20E of Minutes of
Regular Mayor and Council Meeting held February 1, 2012.)

9. The Borough Clerk announced that the ordinance was published in The Record on February 3, 2012, posted in the Borough Hall, and copies made available to the public.
10. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
11. Mayor Romeo said this ordinance is about our new third party billing system.
12. No one else wished to be heard.
13. Motion by Council Member Brennan and seconded by Council Member Olmo to close the public hearing.

Roll Call: Yes - Unanimous Motion adopted.

14. Resolution by Council Member Brennan and seconded by Council Member Savas:

BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill, in the County of Bergen and State of New Jersey, that Ordinance No. 12-02-1424, entitled:

AMEND CHAPTER 15 – CRESSKILL VOLUNTEER
AMBULANCE & EMERGENCY SERVICES COMPANY

pass its second and final reading, is hereby adopted and shall be published according to law.

Roll Call: Yes - Unanimous Resolution adopted.

NEW BUSINESS

INTRODUCTION OF ORDINANCE

Ordinance No. 12-03-1425 – An Ordinance to fix the Salaries, Wages and Compensation of the Officers and Employees of the Cresskill Fire Department

15. Motion at 7:44 PM by Council Member Olmo and seconded by Council Member Savas to introduce Ordinance No. 12-03-1425 – An Ordinance to fix the Salaries, Wages and Compensation of the Officers and Employees of the Cresskill Fire Department on first reading by title only.

Roll Call: Yes – Council Members Brennan, Cleary, Mueller, Olmo, Savas, Tsigounis
No - None
Absent – None
Abstain – None
Motion adopted.

16. Council Member Olmo read the title:

AN ORDINANCE TO FIX THE SALARIES, WAGES AND
COMPENSATION OF THE OFFICERS AND EMPLOYEES
OF THE CRESSKILL FIRE DEPARTMENT

(Ordinance in full on page 31A.)

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

BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill in the County of Bergen and State of New Jersey, that Ordinance No. 12-03-1425, entitled:

AN ORDINANCE TO FIX THE SALARIES, WAGES AND
COMPENSATION OF THE OFFICERS AND EMPLOYEES
OF THE CRESSKILL FIRE DEPARTMENT

does now pass on first reading and remain on file with the Borough Clerk for public inspection until public hearing thereon and further consideration thereof.

Such hearing shall be held at the Borough Hall in Cresskill on Wednesday, February 29, 2012 at 6:00 P.M., or as soon thereafter as it can be reached, at which time and place all persons interested in said ordinance will be heard.

The Borough Clerk is hereby directed to publish said ordinance in full, with the notice of hearing thereon, in an official newspaper according to law, also to mail copies of said ordinance when and as required by law.

Roll Call: Yes – Council Members Brennan, Cleary, Mueller, Olmo, Savas, Tsigounis
 No - None
 Absent – None
 Abstain – None
 Resolution adopted.

Capital Ordinance No. 12-04-1426 – Purchase and Installation of Playground Equipment for Terhune Park

18. Resolution by Council Member Olmo and seconded by Council Member Brennan to amend 2012 Temporary Capital Budget.

Roll Call: Yes – Council Members Brennan, Cleary, Mueller, Olmo, Savas, Tsigounis
 No - None
 Absent – None
 Abstain – None
 Resolution adopted.

(Resolution in full on pages 31B through 31C.)

19. Motion at 7:46 PM by Council Member Olmo and seconded by Council Member Savas to introduce Capital Ordinance No. 12-04-1426 – Purchase and Installation of Playground Equipment for Terhune Park on first reading by title only.

Roll Call: Yes – Council Members Brennan, Cleary, Mueller, Olmo, Savas, Tsigounis
 No - None
 Absent – None
 Abstain – None
 Motion adopted.

20. Council Member Olmo read the title:

“CAPTIAL ORDINANCE TO APPROPRIATE THE SUM OF \$60,000 FOR THE
ACQUISITION AND INSTALLATION OF PLAYGROUND EQUIPMENT AT

TERHUNE PARK IN, BY AND FOR THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM A COUNTY GRANT AND FROM THE OPEN SPACE TRUST FUND OF THE BOROUGH”

(Capital Ordinance in full on page 32A.)

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

BE IT RESOLVED that Ordinance No. 12-04-1426 entitled:

“CAPTIAL ORDINANCE TO APPROPRIATE THE SUM OF \$60,000 FOR THE ACQUISITION AND INSTALLATION OF PLAYGROUND EQUIPMENT AT TERHUNE PARK IN, BY AND FOR THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM A COUNTY GRANT AND FROM THE OPEN SPACE TRUST FUND OF THE BOROUGH”

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 29th day of February, 2012, at 6:00 o'clock, P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Mayor and Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Roll Call: Yes – Council Members Brennan, Cleary, Mueller, Olmo, Savas, Tsigounis
No - None
Absent – None
Abstain – None
Resolution adopted.

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

CONSENT AGENDA

NEW BUSINESS

*Resolutions

23. 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:

Maureen Byrne
(for: Nick Byrne)
41 Margie Avenue
Cresskill, NJ 07626
Amount: \$60.00

Zlatko Batistich
(for: Robert & Mark Batistich)
100 12th Street
Cresskill, NJ 07626
Amount: \$200.00

Minju Lee
(for: Bryan Lee)
117 5th Street
Cresskill, NJ 07626
Amount: \$160.00

Bruce Frank
(for: Sophia Frank)
71 6th Street
Cresskill, NJ 07626
Amount: \$65.00

Regina Morrissey
 (for: Keely Morrissey)
 215 Madison Avenue
 Cresskill, NJ 07626
 Amount: \$14.00

24. Authorizing Increase in Deferred School Taxes
 For Local District School Taxes

WHEREAS, the Division of Local Government Services requires that the Governing Body of any municipality which has Deferred School Taxes must authorize any increase in the deferral amount, and

WHEREAS, the Borough desires to increase the Deferred School Taxes to an amount permitted under State statutes and to be effective at December 31, 2011.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council, Borough of Cresskill that the following Deferred School Taxes be hereby increased for the year ended December 31, 2011 as follows:

| | Deferred Local District School Taxes |
|-----------------------------------|---|
| Amount Deferred December 31, 2010 | \$6,107,660 |
| Amount Deferred December 31, 2011 | <u>6,407,660</u> |
| Amount of Increase | <u>\$ 300,000</u> |

BE IT FURTHER RESOLVED, by the Mayor and Council, Borough of Cresskill that a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

25. A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CRESSKILL AWARDING A CONTRACT TO AND APPOINTING DR. BARBARA SCREIBMAN TO THE POSITION OF MEDICAL DIRECTOR OF THE CRESSKILL VOLUNTEER AMBULANCE & EMERGENCY SERVICES CO. (CVAES)

WHEREAS, the Borough of Cresskill ("Borough") is required pursuant to State law and the regulations of the State Department of Health and Senior Services to employ a medical director certified in emergency medicine for the Cresskill Volunteer Ambulance & Emergency Services Co. ("CVAES"); and

WHEREAS, the Mayor and Council of the Borough have determined that employing a part-time Medical Director for the CVAES is in the best interest of the Borough; and

WHEREAS, said services are recognized as "professional services" as same shall be rendered by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, in accordance with Chapter 15, Cresskill Volunteer Ambulance & Emergency Services Co., of the Municipal Code of the Borough, the Borough is authorized to appoint members to the CVAES; and

WHEREAS, the Borough wishes to appoint Dr. Barbara Schreibman, Assistant Director of Emergency Medicine at Englewood Hospital and Medical Center, to the position as

Medical Director for the CVAES to perform such professional medical services in accordance with guidelines from the Captain of the CVAES, attached hereto; and

WHEREAS, Dr. Schreiberman possesses the requisite expertise and licenses to serve as Medical Director; and

WHEREAS, the Mayor and Council of the Borough are desirous of awarding a contract to Dr. Schreiberman to serve as Medical Director in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for “professional services” without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the services as Medical Director will be performed by Dr. Schreiberman at an annual cost of \$5,000, which amount is less than the threshold of \$17,500 under the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq., and, therefore, the contract is not subject to the provisions of the New Jersey Local Unit Pay-To-Play Law; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose,

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

1. That Dr. Barbara Schreiberman be awarded a contract and appointed to the position of Medical Director for the CVAES.
 2. That Dr. Schreiberman shall perform the services described in a memo, attached hereto, from the Captain of the CVAES for the annual compensation in the amount of \$5,000.
 3. That a notice of the contract award shall be published and this resolution must be available for public inspection, in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.
 4. That the Chief Financial Officer has certified that current funds are available for this purpose.
 5. That no further action of the Borough shall be required.
26. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that Henry McDonald, Captain of the Cresskill Volunteer Ambulance & Emergency Services Co. be, and hereby is appointed the Authorized Official of the Borough with the authority to enroll it in the Medicare program, to make changes or updates to the Borough’s status in the Medicare program and to commit the Borough to fully abide by the statutes, regulations and program instructions of the Medicare program.

BE IT FURTHER RESOLVED that the Authorized Official may delegate to a Delegated Official the authority to report changes and updates to the supplier’s enrollment record.

27. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following February 2012 payroll be ratified and approved:

February 10, 2012

| | |
|--------------------------|------------------|
| Current Fund | \$ 279,203.46 |
| Social Security/Medicare | 13,292.95 |
| Community Center | 1,283.52 |
| Library | <u>14,536.09</u> |
| | \$ 308,316.02 |

28. BE IT RESOLVED, by the Mayor and Council of the Borough of Cresskill that the following transfers be made in the 2011 budget appropriation reserves:

CURRENT ACCOUNT

| | <u>Account</u> | <u>From</u> | <u>To</u> |
|---------------------------------|----------------|-------------|-----------|
| Police – S/W | 240-010 | 3,000.00 | |
| Legal – O/E | 155-020 | | 3,000.00 |
| Streets and Roads – O/E | 290-020 | 5,000.00 | |
| Vehicle Maintenance – O/E | 315-020 | 5,000.00 | |
| Natural Gas | 446-020 | 4,000.00 | |
| Buildings and Grounds – O/E | 310-020 | | 14,000.00 |
| Electricity | 430-020 | 10,000.00 | |
| Liability Insurance Premiums | 210-020 | 4,000.00 | |
| Tax Collection – O/E | 145-020 | 3,000.00 | |
| Street Lighting | 435-000 | 5,000.00 | |
| Telephone | 440-020 | 2,000.00 | |
| Natural Gas | 446-020 | 2,000.00 | |
| Employee Group Health Insurance | 220-020 | | 26,000.00 |
| Total | | 43,000.00 | 43,000.00 |

29. WHEREAS, the Borough of Cresskill (“Cresskill”) had entered into an Agreement with the Borough of Demarest (“Demarest”) dated October 5, 1992 for the establishment of a single centralized petroleum product storage facility for the benefit of the two (2) Boroughs; and

WHEREAS, pursuant to Paragraph 17.c. of said Agreement, certain events would require Cresskill to reimburse Demarest for certain costs and expenses unless said Agreement expires by its own terms prior to September, 2012; and

WHEREAS, Cresskill intends to allow said Agreement to expire in September, 2012; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that said Agreement with the Borough of Demarest shall be allowed to expire in September, 2012

30. WHEREAS, the Cresskill Volunteer Firemen’s Association, Inc. is the owner of the Cresskill Fire Department building located at 51 Madison Avenue, Cresskill, New Jersey; and

WHEREAS, the Cresskill Volunteer Firemen’s Association, Inc. has agreed to transfer ownership of said building to the Borough; and

WHEREAS, the Mayor and Council, having considered the benefit to the Borough to accept a Deed from the Cresskill Volunteer Firemen’s Association, Inc. and assume ownership of said building; and

WHEREAS, in consideration of accepting said Deed, the Mayor and Council agree to enter into a Lease Agreement with Cresskill Volunteer Firemen’s Association, Inc. for the use of a portion of the premises (bar and hall area) by Cresskill Volunteer Firemen’s Association, Inc. and all Cresskill firefighters for a period of fifty (50) years with a twenty-five (25) year renewal option; and

WHEREAS, The Mayor and Council further agree to enter into an Agreement setting forth the rights, duties and obligations of the parties relating to this transfer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Mayor be and is hereby authorized to accept the aforesaid Deed from the Cresskill Volunteer Firemen's Association, Inc. and to execute the aforesaid Lease and Agreement on behalf of the Borough.

31. WHEREAS, redemption money has been received to redeem Tax Sale Certificate 10-00005, for Block 76, Lot 53, also known as 101 Hillside Avenue, in the amount of \$9,414.25; and

WHEREAS, a premium was received by the Borough in the amount of \$6,500.00 paid by the lien holder at the Tax Sale held December 1, 2011 and upon redemption is refunded the premium paid;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that, effective immediately, the amount of \$15,914.25 be paid to:

U.S. Bank Cust for
Crestar Capital, LLC
Mailed to: U.S. Bank Corporate Trust Services
Tax Lien Service Group
2 Liberty Place
50 South 16th Street – Suite 1950
Philadelphia, PA 19102

32. WHEREAS, application was made to the Planning Board and escrow money was deposited for landscaping; and

WHEREAS, final inspection was made and certificate of occupancy was issued.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following balance in Developer's Trust account #1293 be returned to:

| <u>Applicant</u> | <u>Acct. No.</u> | <u>Block</u> | <u>Lot</u> | <u>Amount</u> |
|--|----------------------|--------------|------------|---------------|
| MDH Builders 56 Knoll Road Tenafly, NJ 07670 | DE-1421 | 301 | 32 | \$9,693.80 |
| | [for 41 Adams Drive] | | | |

33. WHEREAS, the Mayor and Council have sought legal advice regarding the establishment of a part paid and part volunteer fire department for the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that Michael L. Prigoff, Esq. be appointed as legal consultant to the Borough in connection with the newly-created Cresskill Fire Department and the return of the ownership of the Fire House to the Borough.

The contract will be awarded without competitive bidding as a professional service under provisions of the Local Public Contract Law, N.J.A.C. 17:27-1.1 et seq. and the attorney is authorized by law to practice a recognized profession and it is not practicable to obtain competitive bids nor in the best interest of Cresskill to so do.

A brief notice of this award shall be published in an official newspaper.

Motions

34. Appoint Ellen Lockhart and Myoung Kim to the Recreation Committee for terms ending 12/31/14.
Appoint Reverend Ruben Cabrera to Municipal Alliance, effective January 4, 2012.
Appoint Catherine F. Nicolas to Cresskill Emergency Medical Services for a six month probationary period.

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

35. No one wished to be heard.
36. Motion by Council Member Cleary and seconded by Council Member Savas to close the meeting to remarks on agenda items.

Roll Call: Yes - Unanimous Motion adopted.

37. Motion by Council Member Olmo and seconded by Council Member Brennan 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.

38. Motion by Council Member Olmo and seconded by Council Member Brennan to adopt all items with an asterisk as a single question.

Roll Call: Yes - Unanimous Motion adopted.

PRESENTATION OF BILLS

39. Resolution by Council Member Olmo and seconded by Council Member Savas:

(Resolution in full on pages 37A through 37C.)

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.]

40. Mayor Romeo said we will be interviewing for the firefighter positions this weekend and next week to pick the best candidates. We had many applicants.

Marc Lightdale asked if the January 29th meeting replaces the first Mayor and Council meeting in March. Borough Clerk said it doesn't, the 29th is a special meeting.

No one else wished to be heard.

41. Motion by Council Member Cleary and seconded by Council Member Olmo to close the meeting to remarks from the public.

Roll Call: Yes – Unanimous Motion adopted.

42. Motion at 7:52 P.M. by Council Member Cleary and seconded by Council Member Brennan to adjourn the meeting.

Roll Call: Yes - Unanimous. Motion adopted.

Benedict Romeo
Mayor

Barbara A. Nasuto
Borough Clerk