

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

MARCH 21, 2012

1. Marc Lightdale 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 7:47 P.M.
4. Present: Council Members Brennan, Cleary, Mueller, Tsigounis
Also Present: Attorney Salvatore, Borough Officials Vaccaro, Laufeld, McKim, Police Chief Wrixon, Fire Chief Ulshoefer
Absent: Council Members Olmo, Savas
5. Motion by Council Member Cleary and seconded by Council Member Brennan to approve the minutes of the Mayor and Council Regular meeting of March 7, 2012.

Roll Call: Yes – Unanimous

Motion adopted.

COMMUNICATIONS

6. Minutes of the following meeting:

Planning Board

February 28, 2012

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Tsigounis said the Library Board adopted their 2012 budget at the last meeting and Henrietta Browning did a good job at keeping expenses down. There will be Friends of the Library book sale in the fall.
The Historical Committee will have their first meeting tomorrow at 4:00 pm.

Council Member Brennan said he attended the Rich Van Cleft Celebration of Life dinner and there was a huge turnout. Over 600 people attended and a large amount of money was raised for the Van Cleft family.

Council Member Cleary said he attended the Board of Health meeting last night. Sanitarian Chloette Lilley explained the 21 inspections she made.
The Fire Dept. recently had a practice drill and 21 members showed up.

Council Member Mueller said tomorrow night should be Care One at Dunroven's final hearing before the Zoning Board.

NEW BUSINESS

INTRODUCTION OF ORDINANCE

Bond Ordinance No. 12-05-1427 – Multipurpose Bond Ordinance

8. Resolution by Council Member Mueller and seconded by Council Member Cleary to amend 2012 Temporary Capital Budget.

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

(Resolution in full on pages 50A through 50B.)

9. Council Member Mueller announced receipt of Supplemental Debt Statement.

(Supplemental Debt Statement in full on pages 50C through 50H.)

10. Motion at 7:51 PM by Council Member Mueller and seconded by Council Member Cleary to introduce Bond Ordinance No. 12-05-1427 – Multi-purpose Bond Ordinance on first reading by title only.

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

11. Council Member Mueller read the title:

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$160,000 FOR THE MAKING OF A PUBLIC IMPROVEMENT AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

(Bond Ordinance in full on pages 50I through 50N.)

12. Resolution by Council Member Mueller and seconded by Council Member Brennan:

BE IT RESOLVED that Ordinance No. 12-05-1427 entitled:

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$160,000 FOR THE MAKING OF A PUBLIC IMPROVEMENT AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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 4th day of April, 2012 at 7:30 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, Tsigounis
 No - None
 Absent – Council Member Olmo, Savas
 Abstain – None
 Resolution adopted.

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

CONSENT AGENDA

NEW BUSINESS

*Resolutions

14. BE IT RESOLVED that the following solicitor’s license, which has been approved by the Chief of Police, be issued under the provisions of Chapter 140 of the Code of the Borough of Cresskill for the term ending December 31, 2012:

12-860
 George A. Corbo, Jr.
 (Home Run Ice Cream)
 25 South Prospect Avenue
 Bergenfield, NJ 07621
 Purpose: Ice Cream Sales

15. 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 refund due to Stipulation of Settlement on property assessment for Block 88, Lot 3 for 2010:

	<u>2010</u>
Original Assessment:	\$3,514,700.00
Tax Court Judgment:	<u>\$3,150,000.00</u>
Decrease in Assessment:	\$ 364,700.00
Tax Rate:	<u>2.300</u>
Tax Refund:	\$ 8,388.10

Check to: Raymond A. Koski & Associates, P.C.
 1275 15th Street
 Fort Lee, NJ 07024
 (for: 130 Broadway)

16. WHEREAS, application was made for a building permit and escrow money was deposited; 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 #096 be returned to:

<u>Applicant</u>	<u>Acct. No.</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
Jeanine A. Roberts 76 Sixth Street	DE-096	48	659	\$136.52

17. 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 refund for Block 91.02, Lot 1 due to Permanent Disabled Veteran exemption:

Gary J. Altomara
 (for: 121 Engle Street)

Refund 2012 1st Quarter taxes: \$3,100.00

Check to: Chase
 c/o Corelogic
 1 Corelogic Drive
 Mail Code: DFW 1-3
 Westlake, TX 76262
 Attn: Tax Refunds

18. WHEREAS, 39 Broadway, LLC has presented to United Water New Jersey an application for an extension to its distributing system consisting of 120 feet of 6-inch main in Milton Street (near Broadway), Cresskill, NJ for (1) 1.5" domestic service for (7) ¾" meters and (1) 4" fire service.

BE IT RESOLVED, by the Mayor and Council, Borough of Cresskill, that the said extension be made and the same hereby is approved.

19. A RESOLUTION RENEWING THE GROUP DENTAL PROGRAM FOR ELIGIBLE EMPLOYEES AND THEIR COVERED DEPENDENTS WITH DELTA DENTAL OF NEW JERSEY, INC.

WHEREAS, the Borough of Cresskill, hereinafter referred to as the Borough, provides dental benefits to eligible employees, retirees and their eligible dependents; and

WHEREAS, the Borough's Health Benefits Consultant has explored alternative options as well as negotiated renewal rates for the Borough's Dental Benefits Program, which currently consists of the Delta Premier Plan administered by Delta Dental of NJ, Inc.; and

WHEREAS, the Borough's Health Benefits Consultant, in reviewing the claims data and network utilization, has developed, in cooperation with Delta, a second optional plan that provides greater network discounts, while providing valuable benefit enhancements and seeks authorization to add this Plan Design, entitled, "PPO Optional Plan" to the plan offering, with such offering not adding any additional cost to the Borough, while providing valuable cost containment that will lower costs in the future; and

WHEREAS, the renewal rates presented after negotiation are deemed reasonable and competitive within the marketplace and provide for municipal budget stability.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Cresskill, County of Bergen, State of New Jersey hereby authorize the renewal of the current dental program (Group #1660) and adding the PPO Optional Plan as an offering, with Delta Dental of New Jersey, Inc. with the premiums amended as per the attached spreadsheet, as prepared by the Borough's Health Benefits Consultant, for a 24 month contract period, effective **January 1, 2012 at 12:01 AM**, with an implementation as soon as administratively practical; and

BE IT FURTHER RESOLVED, the Mayor and Borough Clerk are hereby authorized and directed to execute the renewal documents in accordance with the existing terms and conditions of the Agreement with the additional plan offering and revised rate provisions, as provided herewith; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to PIA Security Programs, Inc., 429 Hackensack Street, P.O. Box 818, Carlstadt, NJ, Health Benefits Consultant to the Borough, the Borough Chief Financial Officer and Municipal Auditor.

Adopted this day: _____, 2012

ATTEST:

 Mayor

 Municipal Clerk

20. BE IT RESOLVED:

1. That the specifications for Cleaning Public Buildings 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 Record, a paper printed in this County.
3. That said advertisement shall read as follows:

“BOROUGH OF CRESSKILL

SPECIFICATIONS FOR CLEANING PUBLIC BUILDINGS

Notice is hereby given that sealed bids will be received by the Mayor and Council of the Borough of Cresskill for Cleaning Public Buildings in the Borough of Cresskill, in the County of Bergen. Bids will be opened and read in public at the Municipal Building on Tuesday April 3, 2012, at 10:00 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 March 23, 2012.

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 “Cleaning Public Buildings” Bid and addressed to: Mayor and Council, Borough of Cresskill, and must be accompanied by a Non-Collusion Affidavit 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.

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.

21. BE IT RESOLVED:

1. That the specifications for Third Street Recreation Complex Pavilion 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 Record, a paper printed in this County.
3. That said advertisement shall read as follows:

“BOROUGH OF CRESSKILL

THIRD STREET RECREATIONAL COMPLEX PAVILION

Notice is hereby given that sealed Bids for Third Street Recreational Complex Pavilion will be received by the Borough of Cresskill, in the County of Bergen, and State of New Jersey, at the Municipal Office Building, 67 Union Avenue, Borough of Cresskill, New Jersey, on Tuesday, April 3, 2012, at 11:00 AM, Prevailing Time, and then publicly opened and read aloud.

The work to be done under this Contract consists of the construction of a free-standing, steel column and laminated wood timber frame pavilion structure and associated site amenities.

Items covering the various phases of the work under this Contract are as follows:

<u>ITEM</u>	<u>QUANTITY</u>
• Soil Erosion and Sediment Control Measures	LUMP SUM
• Transplant Tree <5" DBH	2 UNITS
• Clearing Site	LUMP SUM
• Excavation and Disposal of Regulated Material	210 C.Y.
• 12"- 8 Ton Helical Pile	LUMP SUM
• Structural Concrete	39 C.Y.
• 36' x 52' Pre-Engineered Pavilion Package	LUMP SUM
• Pavilion Lighting & Electrical Systems	LUMP SUM
• Concrete Sidewalk, 4" Thick	23 S.Y.
• Topsoiling, 4" Thick, Fertilizing, Seeding, Type "A-3", and Straw Mulching	310 S.Y.

All work shall be completed by June 20, 2012.

Copies of the Plans, Specifications and Contract Documents will be on file and open to public inspection at the Borough Clerk's Office, Municipal Building, 67 Union Avenue, Borough of Cresskill, New Jersey, on and after March 26, 2012 between the hours of 9:00 AM and 4:00 PM, Prevailing Time. Copies of the plans, specifications and contract documents may also be examined or obtained by properly qualified contractors at the office of Azzolina & Feury Engineering Inc., 30 Madison Avenue, Paramus, New Jersey, Telephone: (201) 845-8500, on and after March 26, 2012 between the hours of 9:00 AM and 4:00 PM, excluding legal holidays, upon payment of \$100.00, no part of which will be refunded.

Each Bid must be made upon the prescribed forms furnished with the Contract Drawings and Specifications, must be accompanied by a Consent of Surety, and by a certified or cashier's check, drawn on a solvent bank, or bid bond, in the sum of ten percent (10%) of the amount bid, but in no case more than \$20,000.00. The check or bid bond shall be made payable to the Borough of Cresskill, the Owner. The check or bid bond of the bidder to whom the Contract is awarded shall be held by the Owner as a guarantee that the Contract shall be executed and its performance properly secured and in default thereof, said check or bid bond and the amount represented thereby will be forfeited to the aforesaid Owner as liquidated damages. Bids must be accompanied, in the case of corporations not chartered in the State of New Jersey, by proper certificate that such corporation is authorized to do business in the State of New Jersey.

Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27.

Every corporation or partnership submitting a bid shall accompany said bid with a statement setting forth the names and addresses of all stockholders in the corporation who own ten percent (10%) or more of its stock of any class, or of all individual partners in the partnership who own a ten percent (10%) or greater interest therein. Said statement may also be submitted prior to the bid.

Any extra work, not originally contemplated under this Contract, shall be covered by a change order. In the event that such extra work involves labor or material for which a unit

price has been bid, the aforementioned unit price which has been bid, shall be used to fix payment for this extra work, and shall be the maximum payable by the Borough therefor.

Each bid must be enclosed in a sealed envelope bearing the name and address of the bidder, be addressed to the Borough of Cresskill, Bergen County, New Jersey, and shall be endorsed: "Bids for Third Street Recreational Complex Pavilion, ENCLOSED - DO NOT OPEN". Bids must be hand delivered by the bidder or an authorized representative, at the time and place stated in this advertisement. Mailed bids or bids delivered prior to the specified time will not be accepted. 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 from the lowest responsible bidder.

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

March 23, 2012

Current Fund	\$ 238,260.93
Social Security/Medicare	10,667.90
Community Center	1,575.76
Library	<u>14,865.73</u>
	\$ 265,370.32

23. RECOGNIZING BARGAINING AGENT

WHEREAS, the regularly employed full time paid firefighter employees of the Borough of Cresskill, New Jersey have affiliated with the International Association of Fire Fighters, AFL-CIO-CLC, and

WHEREAS, International Association of Fire Fighters Local 4896 has requested that the Borough of Cresskill, New Jersey voluntarily recognize Local 4896 as the sole and exclusive bargaining agent for the aforesaid employees, and

WHEREAS, International Association of Fire Fighters Local 4896 has provided the requisite showing of interest in support of its request,

THEREFORE, BE IT RESOLVED:

- A. The Borough of Cresskill, New Jersey recognizes International Association of Fire Fighters Local 4896, AFL-CIO-CLC, as the exclusive bargaining agent for its regularly employed full time paid firefighter employees.
- B. All others, including the Fire Chief, volunteer firefighters and fire officers, police, non-fire suppression employees as well as managerial executives within the meaning of the New Jersey Public Employer Employee Relations Act (hereinafter "The Act") shall be excluded from this bargaining unit.

Miscellaneous Business

24. Approve the following Raffle License:

RL 1326 HSA Cresskill Jr./Sr. High School 4/18/12

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

25. No one wished to be heard.
26. Motion by Council Member Cleary and seconded by Council Member Brennan to close the meeting to remarks on agenda items.

Roll Call: Yes - Unanimous Motion adopted.

27. Motion by Council Member Cleary 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.

28. Motion by Council Member Cleary 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

29. Resolution by Council Member Brennan and seconded by Council Member Cleary:

(Resolution in full on pages 56A through 56C.)

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.]

30. Mayor Romeo said the Commander of the American Legion Post 21 received a request for skateboarders to participate in the Memorial Day parade. I don't think it's a good idea as it is a safety issue and advised them that Chief Wrixon would deal with it. Chief Wrixon said the Memorial Day parade is part of a day of respect, not a circus.

William Zally, 24 Milton Street said where they put the sewer pipe for the new building on Milton Street there is a ditch and it's dangerous. Can it be filled in at least temporarily? Mayor Romeo said the Police will put a cone there tonight and have Supt. Terhune look at it tomorrow.

Pauline Rooney, 5 Tenakill Park Drive asked how long before the Madison Avenue project near Moosehead's will begin. The area around Moosehead's is very dirty and unsightly. Mayor Romeo said we are waiting on the final approval from CSX which is a document that will give us the easement.

Gerald & Patricia Paternoster, 165 9th Street said they had an unfortunate experience with the Building Dept. and gave the Mayor and Council a letter regarding the incident.

No one else wished to be heard.

31. Motion by Council Member Cleary and seconded by Council Member Brennan to close the meeting to remarks from the public.

Roll Call: Yes – Unanimous

Motion adopted.

32. Motion at 8:02 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