

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

APRIL 18, 2012

1. Chief Wrixon 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, Olmo, Savas, Tsigounis
Also Present: Attorney Salvatore, Borough Officials Vaccaro, Laufeld, McKim, Mann, Hamlett, Chief Wrixon
Absent: Council Member Mueller
5. Motion by Council Member Cleary and seconded by Council Member Olmo to approve the minutes of the Mayor and Council Regular meeting of April 4, 2012

Roll Call: Yes – Unanimous

Motion adopted.

COMMUNICATIONS

6. Minutes of the following meetings:

Planning Board

March 27 & April 10, 2012

Recreation Committee

February 8, 2012

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Tsigounis said she and Council Member Savas attended the Library Board of Trustees meeting and they were looking at their options for the interior renovations. Tomorrow at 7:00 pm there will be a program called "Get It Sold" providing information on selling your home.
The Historical Committee's next meeting will be April 26th at 4:00 pm.

Council Member Savas said at the Municipal Alliance meeting they discussed "Project Graduation" and setting up their events for the summer. Also, we are going to have some educational programs on bullying.

The Recreation Committee changed their meetings to the 4th Wednesday of the month. Congratulations to Vinny, our Borough Attorney who just became a grandfather and the Corby's who have another grandson.

I want to thank the DPW for seeding the field the day after I mentioned it at our last meeting.

Council Member Brennan apologized for missing the last two meetings due to family and business related functions. Everything is now in order for our 3rd Street pavilion to get underway.

Council Member Olmo said they are waiting for Dr. Bellina to return to discuss 3rd Street and some other ongoing issues with the BOE.

Council Member Cleary said he met with the owner of the dry cleaning establishment on Broadway who has concerns about another dry cleaner looking to possibly open across the street at 50 Piermont Road.

Mayor Romeo said they tore down the old dry cleaners on Madison Avenue today.

UNFINISHED BUSINESS

ORDINANCE ON FINAL READING

Ordinance No. 12-06-1428 – 2012 “CAP” Ordinance to exceed the Municipal Budget Appropriation Limits and to establish a CAP BANK (N.J.S.A. 40A:4-45.14)

8. Motion at 7:42 PM by Council Member Olmo and seconded by Council Member Cleary to introduce Ordinance No. 12-06-1428 – 2012 “CAP” Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A.40A:4-45.14) on final reading by title only.

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

9. Council Member Olmo read the title:

2012 “CAP” ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
 APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
 (N.J.S.A. 40A:4-45.14)

(Ordinance in full on page 60A of Minutes of
 Regular Mayor and Council Meeting held April 4, 2012.)

10. The Borough Clerk announced that the ordinance was published in the The Record on April 6, 2012, posted in the Borough Hall, and copies made available to the public.
11. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
12. No one wished to be heard.
13. Motion by Council Member Olmo and seconded by Council Member Cleary to close the public hearing.

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

14. 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. 12-06-1428, entitled:

2012 “CAP” ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
 APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
 (N.J.S.A. 40A:4-45.14)

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

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

NEW BUSINESS

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

CONSENT AGENDA

NEW BUSINESS

*Resolutions

16. 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:

Linda Stovall
(for: Jack Stovall)
 85 Roosevelt Street
 Cresskill, NJ 07626
 Amount: \$200.00

Timothy Slattery
(for: Megan Slattery)
 18 Jefferson Avenue
 Cresskill, NJ 07626
 Amount: \$60.00

Alyson Lewin
(for: Joslyn Lewin)
 32 Evans Road
 Cresskill, NJ 07626
 Amount: \$145.00

Maria Zadourian
(for: Alexandre & Taila Zadourian)
 40 New Street
 Cresskill, NJ 07626
 Amount: \$270.00

Emil Hiterer
(for: Ariel Hiterer)
 91 Park Avenue
 Cresskill, NJ 07626
 Amount: \$145.00

Mei Huang Jiang
(for: Enoch Jiang)
 36 Douglas Drive
 Cresskill, NJ 07626
 Amount: \$15.00

17. 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:

12-861
 Cory Lengel
 (TruGreen)
 118 Route 17 North
 Upper Saddle River, NJ 07458
 Purpose: Annual Lawn Care Services Provider

18. WHEREAS, redemption money has been received to redeem Tax Sale Certificate 11-00006, for Block 92.01, Lot 29, also known as 15 Devonshire Road, Cresskill, NJ in the amount of \$7,992.72; 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 \$14,492.72 be paid to:

Mrs. MM Inc.

Mail to:

Mrs. MM Inc.
15 Churchill Road
Cresskill, NJ 07626

19. BE IT RESOLVED, as recommended by the Municipal Pool Commission, that the following refund from the Municipal Swim Club Account be authorized:

Min Ju Lee & Sung Park
117 5th Street
Cresskill, NJ 07626
Amount: \$430.00

20. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that Robert Kurth be appointed as a School Crossing Marshall at a salary of \$15.81 per hour, retroactive from March 20, 2012.

21. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the following be approved for employment in the 2012 Summer Recreation Program:

Assistant Director

Ann Fischer
126 Brookside Avenue
Cresskill, NJ 07626
Salary: \$5,075.00 (full day)

Arts & Crafts Director

Gina Glynn
2 Crest Drive South
Cresskill, NJ 07626
Salary: \$3,587.50 (full day)

Assistant Arts & Crafts Director

Adriana Mann
138 Heather Hill Road
Cresskill, NJ 07626
Salary: \$2,187.50 (full day)

Nature Instructor

Diana Drescher
183 South Street
Demarest, NJ 07627
Salary: \$1,500.00 (half day)

22. RESOLUTION SUPPORTING A-2717
EXTENDING THE TIME PERIOD FOR MUNICIPALITIES TO COMMIT TO
EXPEND COLLECTED DEVELOPMENT FEES AND PAYMENTS-IN-LIEU
OF CONSTRUCTING AFFORDABLE UNITS

WHEREAS, P.L. 2008, c. 46 established a four year timetable for municipal housing trust dollars to be “committed for expenditure, or risk forfeiture to the State;” and

WHEREAS, the 2008 Act did not define the term “committed for expenditure” and deferred to the Council on Affordable Housing (COAH) to promulgate regulations as to the requirements to be met for “committed” as well as a timetable for expenditures; and

WHEREAS, neither COAH nor the Department of Community Affairs has adopted, nor proposed, the regulations pursuant to P.L. 2008, c. 46; and

WHEREAS hundreds of municipalities submitted spending plans to COAH, of which only a fraction of these plans were reviewed by the agency, and most of these municipalities have not been provided any guidance on their spending plans; and

WHEREAS, at the time of 2008 Act, COAH was prepared to adopt its “3rd round regulations” establishing municipal obligations under the “Fair Housing Act”; and

WHEREAS, COAH’s 3rd round regulations were highly controversial and fundamentally flawed, and subsequently set aside by the Appellate Division, and the appeal of that decision now awaits consideration by the State Supreme Court; and

WHEREAS, eight years of litigation over COAH’s methodology has had a chilling effect not only on the development of affordable housing, but on the ability of local governments to commit trust fund dollars without knowledge of their respective obligations, and certainty that such commitment would count towards its housing obligation; and

WHEREAS, forfeiture of trust fund dollars starting in July 2012 would be fundamentally unfair, inequitable and indefensible since neither COAH nor DCA has provided the required guidance or certainty; and

WHEREAS, these trust fund dollars should be used as intended; to subsidize the costs for municipalities in meeting their affordable housing obligations while assuring that these costs do not fall to local taxpayers; and

WHEREAS, forfeiture of these dollars, estimated by some to be as much as \$200 million, would displace this financial obligation to the taxpayers in these communities; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Cresskill urges our State Legislators to support and approve A-2717, which will provide a four-year extension for municipalities to commit the municipal housing trust fund dollars; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the sponsor of A-2717, Assemblyman Anthony Bucco, State Senators Frank R. Lautenberg and Robert Menendez, Assembly Representative Scott Garrett, Members of the Assembly Housing and Local Government Committee, the New Jersey State League of Municipalities and the Office of the Governor.

23. WHEREAS, by resolution of the Mayor and Council, the Borough Clerk was authorized to advertise invitations to bidders in connection with Maintenance and Repairs to the Cresskill Municipal Pool pursuant to Documents and Specifications entitled “Maintenance and Repairs to the Cresskill Municipal Pool”; and

WHEREAS, after due advertisement, bids were received at the Borough Hall on March 20, 2012 at 11:00 AM; and

WHEREAS, Nautilus Swimming Pool Supplies and Service, Inc., 80 Patterson Street, Hillsdale, NJ 07642 submitted a quotation in the amount of \$32,870.00 total bid price with Option 1 for \$8,625.00 and Option 2 for \$5,125.00, which appears to be the lowest responsible bid received; and

WHEREAS, the Public Works Superintendent and Pool Commission have reviewed the said bid and are satisfied that the same can be accepted;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill, County of Bergen, and State of New Jersey, that the "Maintenance and Repairs to the Cresskill Municipal Pool" be awarded to Nautilus Swimming Pool Supplies and Service, Inc. 80 Patterson Street, Hillsdale, NJ 07642, and that the Mayor and Borough Clerk be, and hereby are, authorized to sign an agreement for same, subject to the following conditions:

1. Compliance with all provisions of the Notice to Bidders and applicable Plans and Specifications.
2. Execution of a contract.

AND BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Cresskill hereby waive any informality or irregularity in the bid of the Maintenance and Repairs to the Cresskill Municipal Pool.

24. WHEREAS, Cresskill-Alpine Baseball League has applied for a parade permit for Saturday, April 28, 2012, in accordance with the provisions of Section 230-67 of the Code of the Borough of Cresskill; and

WHEREAS, the said applicants appear to have met all requirements of the said code;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that a permit be issued to the Cresskill-Alpine Baseball League for a parade on April 28, 2012, rain date April 29, 2012 on the following route:

1. Assemble at the Cresskill High School at 9:30 AM.
2. Beginning at 10:00 AM, parade will march onto Cresskill Avenue, turn left onto Union Avenue and continue through town.
3. Parade will then proceed on Dogwood Lane and down Margie Avenue to the International Field at Piermont Road and Margie Avenue.

25. WHEREAS, by resolution of the Mayor and Council, the Borough Clerk was authorized to advertise invitations to bidders in connection with Specifications for Cleaning Public Buildings pursuant to Documents and Specifications entitled "Specifications for Cleaning Public Buildings"; and

WHEREAS, after due advertisement, bids were received at the Borough Hall on April 3, 2012, at 10:00 AM; and

WHEREAS, Oriental Pacific Maintenance Co., One Lethbridge Plaza, Suite #4, Mahwah, NJ 07430 submitted a quotation in the amount of \$39,120.00, which appears to be the lowest responsible bid received; and

WHEREAS, the Public Works Superintendent has reviewed the said bid and is satisfied that the same can be accepted;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill, County of Bergen, and State of New Jersey, that the Specifications for Cleaning Public Buildings contract be awarded to Oriental Pacific Maintenance Co., and that the Mayor and Borough Clerk be, and hereby are, authorized to sign an agreement for same, subject to the following conditions:

1. Compliance with all provisions of the Notice to Bidders and applicable Plans and Specifications.
2. Execution of a contract.

AND BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Cresskill hereby waive any informality or irregularity in the bid of the Cleaning of Public Buildings.

26. BE IT RESOLVED, that the Mayor and Council, of the Borough of Cresskill wish to enter into a grant agreement with the County of Bergen for the purpose of using a \$35,000.00 grant award from the 2010 Funding Round of the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the project entitled Third Street Recreational Complex Pavilion located in Block 51, Lot 503 on the tax maps of the Borough of Cresskill; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Mayor Benedict Romeo to be a signatory to the aforesaid grant agreement CONTRACT; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Chief Financial Officer Harold E. Laufeld, III to sign all County of Bergen Payment Vouchers submitted in conjunction with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognize that the Borough of Cresskill is liable for a dollar for dollar match for any funds awarded in accordance with the Trust Fund’s requirements;

27. WHEREAS, the Borough of Cresskill has approved the installation of a pavilion at the Third Street Recreational Complex; and

WHEREAS, it is in the best interest of the Borough to purchase the pavilion separately and contract the installation; and

WHEREAS, the Superintendent of Public Works has received quotes for said structure under the bid threshold of \$36,000.00, which were reviewed by the Qualified Purchasing Agent; and

WHEREAS, the Chief Financial Officer has verified that the funds are available;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cresskill authorizes the purchase of the pavilion for \$35,490.00, from George Ely Associates, Inc., PO Box 396, Carlisle, PA 17013.

28. WHEREAS, the Cresskill Department of Public Works has requested the purchase of trash and recyclable bins and liners in the amount of \$12,161.00; and

WHEREAS, the bins are custom colored for the Borough with their logo and only available from one vendor;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cresskill, upon approval of the Qualified Purchasing Agent, authorizes the purchase of said bins and liners in the amount of \$12,161.00 from Wausau Tile, PO Box 1520, Wausau, WI 54402-1520.

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

April 20, 2012

Current Fund	\$ 270,334.97
Social Security/Medicare	13,130.87
Community Center	1,405.40
Library	<u>14,760.87</u>
	\$ 299,632.11

30. WHEREAS, by resolution of the Mayor and Council, the Borough Clerk was authorized to re-advertise invitations to bidders in connection with the Third Street Recreational Complex Pavilion pursuant to Documents and Specifications entitled "Third Street Recreational Complex Pavilion," and

WHEREAS, after due advertisement, bids were received at the Borough Hall on April 17, 2012 at 11:00 AM; and

WHEREAS, J. Campoli & Sons, Inc., 28 Milton Street, Cresskill, NJ 07626 submitted a bid in the amount of \$125,334.66, which appears to be the lowest responsible bid received; and

WHEREAS, the Borough Engineer has reviewed the said bid compliance documents and is satisfied that the same can be accepted;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill, County of Bergen, and State of New Jersey, that the Third Street Recreational Complex Pavilion contract be awarded to J. Campoli & Sons, Inc. and that the Mayor and Borough Clerk be, and hereby are, authorized to sign an agreement for same, subject to the following conditions:

1. Compliance with all provisions of the Notice to Bidders and applicable Plans and Specifications.
2. Execution of a contract.

AND BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Cresskill hereby waive any informality or irregularity in the bid of the Third Street Recreational Complex Pavilion.

Motions

31. Appoint Kyle R. Pesce 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.]

32. No one wished to be heard.
33. Motion by Council Member Cleary and seconded by Council Member Olmo to close the meeting to remarks on agenda items.

Roll Call: Yes - Unanimous Motion adopted.

34. Motion by Council Member Cleary 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.

35. Motion by Council Member Cleary 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

36. Resolution by Council Member Olmo and seconded by Council Member Cleary:

(Resolution in full on pages 78A through 78C.)

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.]

37. Demarest Mayor Raymond Cywinski asked why Cresskill decided not to renew the gasoline sharing agreement between Cresskill and Demarest. Mayor Romeo said the agreement was for 20 years, ending this September, and we have chosen not to continue the service. Demarest vacated a shared service agreement going back to 2009 in order to go with Closter, leaving us to pay a \$5,000 bill to the consultant. Mayor Cywinski said he did not see what one thing had to do with the other. Mayor Romeo said in October 2009 he met with then Demarest Mayor Jim Carroll and the Council, we decided to have a shared services study and combine services in every way possible. Before the year's end, both towns passed resolutions to explore the expansion of a shared services program. We hired Joe Martin in June of 2010 to do the study. You won the November election and said you would revisit it with your Council. We spoke in February of 2011 and you said your Council wanted to go with Closter rather than Cresskill. The study was to share all services, i.e. the Community Center, Court, Building Dept., etc. There was also talk about joint jurisdiction of the Police Dept. Over a ten year period and through attrition, eliminating the officers who would retire, and then we would have a joint Police Dept. Mayor Cywinski said he is only here to ask about the gasoline sharing agreement. Mayor Romeo said they see Cresskill going in a different direction.

Pauline Rooney, 5 Tenakill Park Drive asked if the front door mat outside the Borough Hall could be replaced because it is very shabby looking. Mayor Romeo said we will replace the mat.

No one else wished to be heard.

38. 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.

39. Resolution by Council Member Cleary 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; Library

personnel matters involving employment, appointment, termination, evaluation, discipline or promotion of Cresskill personnel;

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;

