

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

MAY 16, 2012

1. William Zally led the Salute to the Flag and Pledge of Allegiance.
2. The Deputy 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 Mann, Santhagens, Chief Wrixon
5. Motion by Council Member Cleary and seconded by Council Member Savas to approve the minutes of the Mayor and Council Regular meeting of May 2, 2012.

Roll Call: Yes – Unanimous

Motion adopted.

COMMUNICATIONS

6. Minutes of the following meeting:

Planning Board

April 24, 2012

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Tsigounis thanked the Environmental Commission for a successful and very well attended Cresskill Clean-up Day this past Saturday. I want to commend Frank DeCarlo, Bobbi Bauer, Julia Kislevitz, Steve Moldt, James Kraus, Susan Rowley, Mike Swan, Camilla Dronge-Corona and Julie Harzynski for a wonderful job. The CEC will be holding their essay/poster contest on June 13th at 7:30 pm at the Senior Center. Also, the ERI is in the publication stage.

Council Member Savas said the Recreation Dept. is almost done with their Policy and Procedures manual.

Council Member Brennan said the construction for the pavilion has started.

Council Member Cleary said he will be attending the JIF meeting tomorrow night.

Council Member Mueller said Care One at Dunroven's 3rd and hopefully final hearing before the Zoning Board will be at the May 24th meeting.

UNFINISHED BUSINESS

ORDINANCE ON FINAL READING

Bond Ordinance No. 12-07-1429 – Multi-purpose Bond Ordinance

8. Motion at 7:40 PM by Council Member Olmo and seconded by Council Member Cleary to introduce Bond Ordinance No. 12-07-1429 – Multi-purpose Bond Ordinance on final reading by title only.

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

9. Council Member Olmo read the title:

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINER, NEW ADDITIONAL FURNISHINGS AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$973,000 TO PAY THE COST THEREOF, TO APPROPRIATE CAPITAL FUND BALANCE, 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 83A through 83G in Minutes of Regular Mayor and Council Meeting held May 2, 2012.)

10. The Deputy Borough Clerk announced the Bond Ordinance was published in the The Record on May 4, 2012, posted in the Borough Hall, and copies made available to the public.
12. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
13. No one wished to be heard.
14. Motion by Council Member Olmo and seconded by Council Member Savas to close the public hearing.

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

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

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. 12-07-1429, entitled:

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINER, NEW ADDITIONAL FURNISHINGS AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$973,000 TO PAY THE COST THEREOF, TO APPROPRIATE CAPITAL FUND BALANCE, 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.

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

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

Ordinance No. 12-08-1430 – 2012 Salaries

16. Motion at 7:42 PM by Council Member Olmo and seconded by Council Member Cleary to introduce Ordinance No. 12-08-1430 – 2012 Salaries on final reading by title only.

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

17. Council Member Olmo read the title:

AN ORDINANCE TO FIX THE SALARIES, WAGES AND
 COMPENSATION OF THE OFFICERS AND EMPLOYEES
 OF THE BOROUGH OF CRESSKILL - YEAR 2012

(Ordinance in full on pages 84A through 84E in Minutes of
 Regular Mayor and Council Meeting held May 2, 2012.)

18. The Deputy Borough Clerk announced the Ordinance was published in the The Record on May 4, 2012, posted in the Borough Hall, and copies made available to the public.
19. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
20. No one wished to be heard.
21. Motion by Council Member Olmo and seconded by Council Member Cleary to close the public hearing.

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

22. 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. 12-08-1430, entitled:

AN ORDINANCE TO FIX THE SALARIES, WAGES AND
 COMPENSATION OF THE OFFICERS AND EMPLOYEES
 OF THE BOROUGH OF CRESSKILL - YEAR 2012

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

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

NEW BUSINESS

23. Deputy Borough Clerk McKim explained all items on the Consent Agenda.

CONSENT AGENDA

NEW BUSINESS

*Resolutions

24. 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:

Michelle Attardi
(for: *Ethan Rokjer*)
49 Crest Drive South
Cresskill, NJ 07626
Amount: \$50.00

Milena Rashba
(for: *Julius & Levana Rashba*)
5 Center Street
Cresskill, NJ 07626
Amount: \$100.00

Julia Kwon
(for: *Dani Yoo*)
384 Madison Avenue
Cresskill, NJ 07626
Amount: \$50.00

Yumi Nam
(for: *Emily Nam*)
46 Ridge Road
Cresskill, NJ 07626
Amount: \$50.00

Youngsuk Park
(for: *Joon Ho Jun*)
115 Broadway
Cresskill, NJ 07626
Amount: \$50.00

Kathy Lew
(for: *Emily & Victoria Lew*)
107 Roosevelt Street
Cresskill, NJ 07626
Amount: \$100.00

Yi Pan Deng
(for: *Maxwell Deng*)
270 Concord Street
Cresskill, NJ 07626
Amount: \$50.00

Soyong Kim
(for: *Daniel Bang*)
5 Burns Place
Cresskill, NJ 07626
Amount: \$50.00

Gali Davidov
(for: *Dan Davidov*)
24 Woodland Road
Cresskill, NJ 07626
Amount: \$50.00

Kelli Yee
(for: *Emily & Justin Yee*)
598 Knickerbocker Road
Cresskill, NJ 07626
Amount: \$9.00

Jung Jang Yun
(for: *Aiden & Parker Kim*)
2211 Tenakill Park Drive East
Cresskill, NJ 07626
Amount: \$490.00

Iris Sharon
(for: *Segev Sharon*)
1311 Tenakill Park Drive West
Cresskill, NJ 07626
Amount: \$15.00

Audrey Gabel
(for: *Audrey & Max Gabel*)
298 Woodland Street
Tenafly, NJ 07670
Amount: \$278.56

Boaz Krelbaum
(for: *Maya Krelbaum*)
163 3rd Street
Cresskill, NJ 07626
Amount: \$50.00

Bryan Hwang
(for: *Bryan Hwang*)

Susan Carbonell
(for: *Audrey Carbonell*)

296 Jefferson Avenue
Cresskill, NJ 07626
Amount: \$50.00

232 Truman Drive
Cresskill, NJ 07626
Amount: \$50.00

25. 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 301, Lot 31 for 2011:

2011

Original Assessment:	\$1,452,000.00
Tax Court Judgment:	<u>\$1,250,000.00</u>
Decrease in Assessment:	\$ 202,000.00
Tax Rate:	<u>2.348</u>
Tax Refund:	\$ 4,742.96

TOTAL: \$4,742.96

Check to: Thomas L. Murphy, Esq.
113 W. White House Road, Suite 4
Voorhees, NJ 08043
(for: 47 Adams Drive)

26. 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 91.07, Lot 10 for 2011:

2011

Original Assessment:	\$2,694,200.00
Tax Court Judgment:	<u>\$2,350,000.00</u>
Decrease in Assessment:	\$ 344,200.00
Tax Rate:	<u>2.348</u>
Tax Refund:	\$ 8,081.82

TOTAL: \$8,081.82

Check to: Thomas L. Murphy, Esq.
113 W. White House Road, Suite 4
Voorhees, NJ 08043
(for: 98 Hoover Drive)

27. 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 and Health Department approval for the term ending December 31, 2012:

12-862
Sonja J. Kramer
(Cupcake Cutie, LLC)
770-76 Broadway
Westwood, NJ 07675
Purpose: Cupcake Sales

28. A RESOLUTION TO AFFIRM THE BOROUGH OF CRESSKILL'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Borough of Cresskill to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent

with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act,

WHEREAS, the Mayor and Council of the Borough of Cresskill has determined that certain procedures need to be established to accomplish this policy;

NOW, THEREFORE BE IT ADOPTED by the Mayor and Council that:

Section 1: No official, employee, appointee or volunteer of the Borough of Cresskill by whatever title known, or any entity that is in any way of part of the Borough of Cresskill shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer or entity is engaged in or acting on behalf of the Borough of Cresskill's business or using the facilities or property of the Borough of Cresskill.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Cresskill to provide services that otherwise could be performed by the Borough of Cresskill.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Mayor and Council shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint, so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Mayor and Council shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Cresskill as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Mayor and Council shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Cresskill. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Cresskill's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough of Cresskill in order for the public to be made aware of

this policy and the Borough of Cresskill's commitment to the implementation and enforcement of this policy.

29. RESOLUTION AMENDING PERSONNEL POLICIES AND PROCEDURES

WHEREAS, it is the policy of the Borough of Cresskill to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Borough of Cresskill maintains a Policies and Procedures Manual to effectuate the efficient and consistent treatment of all employees and further, to ensure that employees and prospective employees are treated in a manner consistent with the laws and regulations cited above; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund (hereinafter, the MEL), for which the Borough of Cresskill is a member, requires the update of the Borough of Cresskill's Policies and Procedures Manual to ensure compliance and adherence to recent changes to Federal and State laws and regulations and through recent court case rulings.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the revised Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that as with past revisions to the Manual, these personnel policies and procedures revisions shall apply to all Borough of Cresskill officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Borough of Cresskill employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor and Council.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough of Cresskill's Risk Management Consultant, PIA, Inc. for their review and filing with the MEL in accordance with the requirements set forth by the Fund.

30. 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 overpayment of 2nd quarter 2012 taxes to:

<u>BLOCK</u>	<u>LOT</u>	<u>Qualifier</u>	<u>Name</u>	<u>AMOUNT</u>
14	52		Chul Ho & Oke Ki Lee 304 Concord Street Cresskill, NJ 07626	\$2,973.00

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

Nawroze Daroowalla
 85 5th Street
 Cresskill, NJ 07626
 Amount: \$390.00

32. WHEREAS, a Bergen County Community Development grant of \$60,000 has been proposed by Giants of Generosity for emergency financial relief to individuals and families in the municipality of Cresskill, New Jersey, and in Bergen County at large, and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, the aforesaid project is in the best interest of the people of Cresskill and Bergen County at large, and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Cresskill, New Jersey hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

33. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the Mayor be, and hereby is, authorized to sign DPW, Fire and Police Negotiating contracts.
34. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following May 2012 payroll be ratified and approved:

May 18, 2012

Current Fund	\$ 240,724.98
Social Security/Medicare	11,181.85
Community Center	1,934.35
Library	<u>15,401.08</u>
	\$ 269,242.26

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

On the question: The Deputy 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 Cleary and seconded by Council Member Savas to adopt all items with an asterisk as a single question.

Roll Call: Yes - Unanimous Motion adopted.

