

## BOROUGH OF CRESSKILL

## MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

JUNE 1, 2016

1. Richard Calabrese 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 Cleary, Mueller, Olmo, Tsigounis  
Also Present: Attorney Salvatore, Borough Officials Laufeld, Chief Wrixon  
Absent: Council Member Savas, Spina
5. Motion by Council Member Tsigounis and seconded by Council Member Cleary to approve the minutes of the Mayor and Council Regular meeting of May 18, 2016.

Roll Call: Yes – Unanimous

Motion adopted.

## COMMUNICATIONS

6. Minutes of the following meetings:

Library Board of Trustees  
Planning Board

April 18, 2016  
May 10, 2016

Filed.

## REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Olmo said the pool is open and everything looks good.  
Council Member Cleary said he enjoyed Mayor Romeo's Memorial Day speech.

## UNFINISHED BUSINESS

## ORDINANCE ON FINAL READING

Ordinance No. 16-05-1484 – Amend Chapter 49 – Personnel Policies

8. Motion at 7:39 PM by Council Member Tsigounis and seconded by Council Member Cleary to introduce Ordinance No. 16-05-1484 – Amend Chapter 49 – Personnel Policies on final reading by title only.

Roll Call: Yes – Unanimous

Motion adopted.

9. Council Member Tsigounis read the title:

AMEND CHAPTER 49 – PERSONNEL POLICIES



20. Motion by Council Member Olmo and seconded by Council Member Cleary to close the public hearing.

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

21. 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. 16-06-1485, entitled:

AN ORDINANCE TO FIX THE SALARIES, WAGES AND  
 COMPENSATION OF THE OFFICERS AND EMPLOYEES  
 OF THE BOROUGH OF CRESSKILL - YEAR 2016

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

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

Bond Ordinance No. 16-07-1486 – Appropriate Funds for Third Street Walking Path/ Bridge and Installation of Lighting

22. Motion at 7:42 PM by Council Member Olmo and seconded by Council Member Cleary to introduce Bond Ordinance No. 16-07-1486 – Appropriate Funds for Third Street Walking Path/Bridge and Installation of Lighting on final reading by title only.

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

23. Council Member Olmo read the title:

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS IMPROVEMENTS AT THIRD STREET RECREATIONAL COMPLEX IN, BY AND FOR THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$750,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

(Bond Ordinance in full on pages 65J through 65K in Minutes of Regular Mayor and Council Meeting held May 18, 2016.)

24. The Borough Clerk announced the Ordinance was published in The Record on May 20, 2016, posted in Borough Hall, and copies made available to the public.
25. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]

26. Rich Calabrese asked if this ordinance included the foot bridge. Mayor Romeo said it did. Mr. Calabrese asked why he saw the bid notice in the newspaper before the ordinance was adopted. Mayor Romeo said we can advertise for bids and accept them, but can't open them yet. We need to have the money ready to be encumbered, but can't do anything before we adopt the ordinance. We've got close to \$146,000 in grant money from Bergen County and also have open space money. This will go toward paying off the bond. We apply for grant money at every opportunity and have gotten over 6 million dollars over the past 10 years.

No one else wished to be heard.

27. Motion by Council Member Olmo and seconded by Council Member Cleary to close the public hearing.

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

28. 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.16-07-1486 entitled:

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS IMPROVEMENTS AT THIRD STREET RECREATIONAL COMPLEX IN, BY AND FOR THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$750,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION 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 Cleary, Mueller, Olmo, Tsigounis  
 No - None  
 Absent – Council Member Savas, Spina  
 Abstain – None  
 Resolution adopted.

## NEW BUSINESS

### INTRODUCTION OF ORDINANCE

#### Bond Ordinance No. 16-08-1487 – Multipurpose Bond Ordinance

29. Resolution by Council Member Olmo and seconded by Council Member Cleary to amend the 2016 Capital Budget.

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

(Resolution in full on pages 79A through 79D.)

30. Council Member Olmo announced receipt of Supplemental Debt Statement.

(Supplemental Debt Statement in full on pages 80A through 80E.)

31. Motion at 7:47 PM by Council Member Olmo and seconded by Council Member Cleary to introduce Bond Ordinance No. 16-08-1487 – Multipurpose Bond Ordinance on first reading by title only.

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

32. 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 MACHINERY 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 \$1,510,000 TO PAY THE COST THEREOF, 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 80F through 80H.)

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

BE IT RESOLVED that Ordinance No. 16-08-1487 entitled:

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY 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 \$1,510,000 TO PAY THE COST THEREOF, 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 15th day of June, 2016, 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 Cleary, Mueller, Olmo, Tsigounis  
 No - None  
 Absent – Council Member Savas, Spina  
 Abstain – None  
 Resolution adopted.

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

\*\*\*\*\*

## CONSENT AGENDA

## NEW BUSINESS

\*Resolutions

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

Ezra & Orna Sofer  
236 Grant Avenue  
Cresskill, NJ 07626  
Amount: \$470.00

Jessica Chong & Irene Kim  
50 Jackson Drive  
Cresskill, NJ 07626  
Amount: \$510.00

36. GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Cresskill, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

37. Resolution to Approve the Corrective Action Plan for the Fiscal Year 2015  
Audit Report of the Borough of Cresskill

WHEREAS, the Division of Local Government Services requires the Chief Financial Officer to file a "Corrective Action Plan" outlining the actions to be taken by the Borough relative to the findings and recommendations in the annual audit report; and

WHEREAS, the "Corrective Action Plan" shall be prepared by the Chief Financial Officer with assistance from other officials affected by the audit findings and recommendations; and

WHEREAS, the governing body is required by resolution, to approve said "Corrective Action Plan"; and

WHEREAS, the "Corrective Action Plan", as prepared by the Chief Financial Officer and approved by the Governing Body, shall be placed on file and made available for public inspection in the Borough Clerk's office;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Cresskill approves the "Corrective Action Plan" for the Fiscal Year 2015 Audit Report submitted by the Chief Financial Officer.

38. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following May 2016 payroll be ratified and approved:

May 27, 2016

Current Fund	\$ 297,215.38
Social Security/Medicare	12,766.51
Community Center	2,279.38
Library	<u>11,865.80</u>
	\$ 324,127.07

39. WHEREAS, Lawrence J. Ferolie and Noah Kislevitz a/k/a Lambs Lane Realty, LLC made application for Major Subdivision and posted a Cash Performance Guarantee and escrow; and

WHEREAS, Lawrence J. Ferolie has requested a reduction in the Cash Performance Guarantee and escrow; and

WHEREAS, the Borough Engineer has certified that the site improvements have been constructed in a good and workmanlike manner and easements have been filed;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the remaining balance in Developer's Escrow #1554 of \$12,273.00 be reduced by \$11,829.00 to a remaining balance of \$444.00, as requested by the Borough Engineer.

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

WHEREAS, the following participant was unable to attend;

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

Liliana Rosaspina  
(for: Gabriela Rosaspina)  
22 Churchill Road  
Cresskill, NJ 07626  
Amount: \$35.00

41. 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 2015 3<sup>rd</sup> quarter taxes:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
33	353.01	Yooree Lee 200 8 <sup>th</sup> Street Cresskill, NJ 07626 (for: 200 8 <sup>th</sup> Street)	\$ 2,540.95

42. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that Isabella Natarrelli be approved for part-time employment at the Community Center, effective immediately at an hourly rate of \$8.25.

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

43. Rich Calabrese asked for an explanation of Resolution #5 (#39). Mayor Romeo said Mr. Ferolie built a new house on Lambs Lane and had to post a bond because there is an easement on his property for a fire hydrant that was put in.

No one else wished to be heard.

44. Motion by Council Member Tsigounis and seconded by Council Member Cleary to close the meeting to remarks on agenda items.

Roll Call: Yes - Unanimous Motion adopted.

45. Motion by Council Member Tsigounis and seconded by Council Member Cleary 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.

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

Roll Call: Yes - Unanimous Motion adopted.

\*\*\*\*\*

PRESENTATION OF BILLS

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

(Resolution in full on pages 83A through 83D.)

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.]

48. Rich Calabrese said since the weight limit sign was put in on his street, there has been a reduction in truck traffic and speeding.

No one else wished to be heard.

49. Motion by Council Member Tsigounis and seconded by Council Member Cleary to close the meeting to remarks from the public.

Roll Call: Yes – Unanimous Motion adopted.

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

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: Personnel

pending or anticipated litigation involving Cresskill;

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;

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.

51. Motion at 7:56 P.M. by Council Member Tsigounis and seconded by Council Member Cleary to adjourn the meeting.

Roll Call: Yes - Unanimous. Motion adopted.

---

Benedict Romeo  
Mayor

---

Barbara A. Nasuto  
Borough Clerk