

Ginger Johnson	Richard Donahue	John Morgan
Robert Kurth	Charles Dean	Michael Luzzi
Michael Gaeckle	Edward Gieseemann	

10. 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 71, Lot 3 for 2013:

2013

Original Assessment:	\$1,901,400.00
Tax Court Judgment:	<u>\$1,801,400.00</u>
Decrease in Assessment:	\$ 100,000.00
Tax Rate:	<u>2,413</u>
Tax Refund:	\$ 2,413.00

11. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following May and June 2015 payrolls be ratified and approved:

May 29, 2015

Current Fund	\$ 288,046.37
Social Security/Medicare	12,397.29
Community Center	2,428.10
Library	<u>12,236.96</u>
	\$ 315,108.72

June 12, 2015

Current Fund	\$ 289,595.31
Social Security/Medicare	12,368.73
Community Center	2,276.95
Pool Commission	8,000.69
Library	<u>12,188.34</u>
	\$ 324,430.02

12. RESOLUTION AUTHORIZING THE FILING OF A DECLARATORY JUDGMENT ACTION IN THE SUPERIOR COURT OF NEW JERSEY, LAW DIVISION AND A MOTION SEEKING TEMPORARY IMMUNITY FROM THIRD PARTY LAWSUITS WHILE PURSUING THE DECLARATORY JUDGMENT ACTION AND TAKING ALL ANCILLARY ACTIONS ASSOCIATED THEREWITH TO ACCOMPLISH THAT OBJECTIVE

WHEREAS, the Supreme Court of New Jersey rendered decisions in South Burlington County N.A.A.C.P. v. Township of Mount Laurel, 67 N.J. 151 (1975), (“Mount Laurel I”) and in South Burlington County N.A.A.C.P. v. Township of Mount Laurel, 92 N.J. 158 (1983) (“Mt. Laurel II”); and

WHEREAS, in 1985, the New Jersey Legislature adopted the Fair Housing Act (“FHA”) which provided municipalities with the ability to comply with their Mt. Laurel obligations by establishing a Housing Element & Fair Share Plan (“HE&FSP”) that would satisfy its obligations through the Council on Affordable Housing (“COAH”); and

WHEREAS, the Borough has received Third Round Substantive Certification; and

WHEREAS, COAH adopted various growth share regulations in 2004 which were subsequently invalidated by the Appellate Division; and

WHEREAS, the Borough filed its Third Round Housing Element & Fair Share Plan with COAH and received Substantive Certification in accordance with the third round regulations; and

WHEREAS, subsequent third round regulations were invalidated by the Appellate Division in 2010, which determined, among other things, that the growth share methodology was invalid, which decision was affirmed by the Supreme Court of New Jersey which directed COAH to adopt new regulations; and

WHEREAS, COAH failed to do so and the Fair Share Housing Center (“FSHC”) filed a motion with the Supreme Court to enforce litigant’s rights and on March 10, 2015 the Supreme Court issued its decision on FSHC’s motion to enforce litigant’s rights and established a procedure for municipalities to transition their applications pending before COAH to the judicial system in order to achieve similar protections that the municipality would have received had the COAH process proceeded; and

WHEREAS, the procedure established by the Supreme Court requires that by July 8, 2015 a participating municipality bring a Declaratory Judgment action in the Law Division of the Superior Court before the designated Mount Laurel judge on notice to interested entities, to declare the municipality’s HE&FSP as being constitutionally compliant; and

WHEREAS, the Supreme Court gave the Borough the right to seek temporary immunity from third party lawsuits while it pursues its Declaratory Judgment action; and

WHEREAS, on April 9, 2015 the Appellate Division issued its decision in the case entitled In re Failure of the Council on Affordable Housing to Adopt Trust Fund Commitment Regulations, Docket No. A-5257-11T4 and Docket No. A-0122-13T3 wherein they divested COAH of jurisdiction to effect a forfeiture of Affordable Housing Trust Funds not spent or committed to be spent within four years of their receipt and transferred jurisdiction to the judges who would also be hearing the Declaratory Judgment actions; and

WHEREAS, there remains pending before COAH unapproved Spending Plans potentially preventing municipalities from utilizing their Affordable Housing Trust Funds in an appropriate manner; and

WHEREAS, in light of the transition of jurisdiction to effect a forfeiture of Affordable Housing Trust Funds to the Court, it is appropriate to seek approval for any unapproved Spending Plan by the Court as part of the Declaratory Judgment action, if circumstances warrant; and

WHEREAS, the Borough desires to authorize the initiation of a Declaratory Judgment action in order for the Borough to proceed to validate a HE&FSP to be prepared by the Borough Planner; to seek temporary immunity while it pursues the Declaratory Judgment action; and to take all ancillary actions associated therewith to accomplish that objective.

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

1. Vincent M. Salvatore, Esq. is hereby authorized and directed to initiate a Declaratory Judgment action in the Superior Court of New Jersey, Law Division, Bergen or Morris County, to seek a declaration that the Borough’s HE&FSP, to be prepared by the Borough Planner, is constitutionally compliant and satisfies the Borough’s affordable housing obligation for the period ending in 2025, or such other time period as may be determined by subsequent proceedings and to seek approval of its Spending Plan, if appropriate.
2. Said Declaratory Judgment action shall be filed no later than July 8, 2015, the deadline set forth in the Supreme Court decision above referenced, for the filing of such an action.
3. Simultaneous with the filing of the Declaratory Judgment action, Vincent M. Salvatore, Esq. is hereby authorized and directed to seek and obtain temporary immunity from any third party lawsuits associated with the Borough’s affordable housing obligation, for a minimum period of five months or such other time as the Court may

direct, in order to allow the Borough and its Planner to complete a revised HE&FSP to reflect and accommodate the Borough's affordable housing obligation through 2025, or such other time period as may be determined by subsequent proceedings.

4. The Mayor and Council request the Planning Board to authorize the Borough Planner to prepare a revised HE&FSP as part of the Master Plan of the Borough which, among other things, will establish the affordable housing obligation of the Borough through 2025, or such other time period as may be determined by subsequent proceedings, and further establish a mechanism to satisfy that obligation.

5. The Borough requests that the governing body representatives participate in the review of the HE&FSP prior to its public hearing and disposition by the Planning Board inasmuch as the Borough will be required to endorse the same as part of its proceedings to obtain the protections to be afforded to it through the Declaratory Judgment action abovementioned.

6 Vincent M. Salvatore, Esq. and all other appropriate Borough professionals, employees, elected, and appointed officials are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.

7. This Resolution shall take effect immediately.

13. WHEREAS, the Police Department has requested the purchase of a MorphoTrak Live Scan System in the amount of \$37,030.00; 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 under State Contract #A81520 from MorphoTrak, LLC, 1250 North Tustin Avenue, Anaheim, CA 92807.

14. WHEREAS, the Police Department has requested the purchase of a Communications System in the amount of \$17,640.00 and Rental Communication System Installation, Programing & Set-up in the amount of \$42,144.00; 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 under State Contract #A83924 from Goosetown Communications, 58 North Harrison Avenue, Congers, NY 10920.

15. BE IT RESOLVED:

1. That the specifications for the Request for Proposals for Emergency Medical Billing Services 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 proposals for the project at least ten (10) days before receipt of proposals in the The Record, a paper printed in this County.
3. That said advertisement shall read as follows:

“BOROUGH OF CRESSKILL

Request for Proposals for Emergency Medical Billing Services

Notice is hereby given that sealed proposals will be received by the Mayor and Council of the Borough of Cresskill for Emergency Medical Billing Services in the Borough of Cresskill. Proposals will be opened and read in public at the Municipal Building on Wednesday, July 1, 2015, at 10:00 AM Prevailing Time. Specifications and forms of

proposals for the proposed work are on file in the office of the Borough Clerk and may be inspected by prospective respondents during business hours on or after June 22, 2015.

Respondents will be furnished with a copy of the specifications on proper notice. Proposals 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 Proposals for Emergency Medical Billing Services on the outside 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.

Prior to the award of this Contract, and in accordance with Chapter 127, PL 1975, the Contractor shall file an Affirmative Action Plan with the State Treasurer.

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.
16. BE IT RESOLVED:
1. That the specifications for Phelps Avenue Improvement – Section 2 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

Phelps Avenue Improvement – Section 2

Sealed Bids for Phelps Avenue Improvement – Section 2 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 Thursday, July 2, 2015, at 11:00 AM, Prevailing Time, and then publicly opened and read aloud.

The work to be done under this Contract consists of traffic control, clearing site, excavating for test pits, installing new storm drain facilities, constructing granite curb, excavating unclassified materials in connection with a minor widening along approximately 375 (three hundred seventy five) linear feet of the existing roadway and full depth reconstruction of the existing pavement structure along approximately 600 (six hundred) linear feet of the existing roadway, constructing dense graded aggregate base course, constructing HMA intermediate course pavements, constructing HMA driveways, HMA milling, constructing HMA surface course pavements, applying traffic stripes and pavement markings, topsoiling, fertilizing, seeding and mulching, and other incidental work.

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 **Monday, June 22, 2015**, 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 Monday, June 22, 2015, 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 Phelps Avenue Improvement – Section 2, 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 A. 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.

17. RESOLUTION AUTHORIZING AN ANNUAL CONSUMER PRICE INDEX (CPI) ADJUSTMENT TO THE LOSAP AWARD PROGRAM

WHEREAS, the Borough of Cresskill has not provided for an annual Consumer Price Index (CPI) adjustment to the LOSAP award; and

WHEREAS, without this provision, the Borough must authorize increases to the LOSAP contribution by Resolution not subject to a public hearing;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cresskill, authorizes an annual Consumer Price Index (CPI) adjustment to the maximum LOSAP award for programs in effect since 1999 in the amount of \$1,614.00 for the year 2014.

18. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that Cathy Hughes, a member of the Cresskill Fire Department EMS 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.

19. WHEREAS, the Bergen County Executive and the Board of Chosen Freeholders, along with the Bergen County Department of Health Services, supports the designation of Stigma-Free Zones across the County and within every municipality; and

WHEREAS, the National Institute of Mental Health reports that 1 in 4 adults (approximately 61.5 million Americans) experiences mental illness in a given year and 1 in 17 adults live with a serious mental illness such as schizophrenia, major depression, or bipolar disorder; approximately 20% of youths ages 13 to 18 and 13% of youths ages 8 to 15 experience severe mental disorders in a given year; and

WHEREAS, the stigma associated with the disease of mental illness is identified as the primary reason individuals fail to seek the help they need to recover from the disease; and

WHEREAS, Stigma-Free Zones aim to inspire public interest and open dialogues about stigma, raise awareness of the disease of mental illness and create a culture wherein residents who have the disease of mental illness feel supported by their community and neighbors and feel free to seek treatment for the disease without fear of stigma; and

WHEREAS, promoting awareness that there can be no "health" without mental health will break down barriers and encourage residents of all ages to be mindful of their mental health and ask for help when needed; and

WHEREAS, local resources are available to treat the disease of mental illness so no one resident needs to suffer alone or feel hopeless; and

WHEREAS, establishing Stigma-Free Zones will raise awareness of resources and encourage residents to engage in care as soon as the need is identified so recovery can begin, hope is inspired and tragedies are avoided.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Cresskill that the Borough of Cresskill is hereby designated as a Stigma-Free Zone, and that a copy of this resolution will be sent to the County of Bergen Board of Chosen Freeholders and all municipalities throughout Bergen County urging them to pass a similar resolution.

20. BE IT RESOLVED, as recommended by the Municipal Pool Commission, that the following refund, due to families with children attending St. Therese School pay the resident rate, be authorized from the Municipal Swim Club Account:

Ryan Knab
24 Elm Street
Dumont, NJ 07628
Amount: \$330.00

25. Motion by Council Member Olmo 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

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

(Resolution in full on pages 93A through 93D.)

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.]

27. Mayor Romeo thanked Marc Lightdale and Steve Kelman for the nice articles they wrote about Cresskill.

No one else wished to be heard.

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

Roll Call: Yes – Unanimous Motion adopted.

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

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; COAH Litigation

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.

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

Roll Call: Yes - Unanimous. Motion adopted.

31. Motion at 8:56 P.M. by Council Member Olmo and seconded by Council Member Cleary to reconvene to open session.

Roll Call: Yes - Unanimous. Motion adopted.

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

(Resolution in full on pages 94A through 94B.)

Roll Call: Yes - Unanimous. Resolution adopted.

33. Motion at 8:58 P.M. by Council Member Olmo and seconded by Council Member Cleary to adjourn the meeting.

Roll Call: Yes - Unanimous. Motion adopted.

Benedict Romeo
Mayor

Barbara A. Nasuto
Borough Clerk