

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETINGAPRIL 17, 2019

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 7:45 P.M.
4. Present: Council Members Cleary, Olmo, Spina, Tsigounis
Also Present: Attorney Diktas, Borough Officials Laufeld, Chief Wrixon, Deputy Chief Domville
Absent: Council Members Mueller, Savas
5. Motion by Council Member Olmo and seconded by Council Member Cleary to give excused absences to Council Members Mueller and Savas.

Roll Call: Yes – Unanimous Motion adopted.

6. Motion by Council Member Olmo and seconded by Council Member Cleary to approve the minutes of the Mayor and Council Regular meeting of April 3, 2019.

Roll Call: Yes – Unanimous Motion adopted.

COMMUNICATIONS

7. Minutes of the following meeting:

Planning Board

March 26, 2019

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

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

UNFINISHED BUSINESS

ORDINANCE ON FINAL READING

Ordinance No. 19-05-1537 – 2019 “CAP” Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A 40A:4-45.14)

9. Motion at 7:48 PM by Council Member Olmo and seconded by Council Member Cleary to introduce Ordinance No. 19-05-1537 – 2019 “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 Cleary, Olmo, Spina, Tsigounis
 No – None
 Absent – Council Members Mueller, Savas
 Abstain – None
 Motion adopted.

10. Council Member Olmo read the title:

2019 “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 63A in Minutes of
Regular Mayor and Council Meeting held April 3, 2019.)

11. The Borough Clerk announced the Ordinance was published in The Record on April 5, 2019, posted in 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 Cleary to close the public hearing.

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

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

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. 19-05-1537, entitled:

2019 “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 Cleary, Olmo, Spina, Tsigounis
 No – None
 Absent – Council Members Mueller, Savas
 Abstain – None
 Resolution adopted.

16. Borough Clerk Maragliano explained all items on the Consent Agenda.

CONSENT AGENDA

NEW BUSINESS

*Resolutions

17. WHEREAS, the Recreation Committee has scheduled various programs; and
- WHEREAS, the following participants were unable to attend;
- NOW, THEREFORE, BE IT RESOLVED that the recreation fees be returned to:

Tae Young Kim
(for: Jay & Joshua Kwon)
 174 6th Street
 Cresskill, NJ 07626
 Amount: \$270.00

Alicia Madison
(for: Charles, Tyler & Jack Madison)
 70 Monroe Avenue
 Cresskill, NJ 07626
 Amount: \$270.00

Jinyoung Lim
(for: Maxx & Eugene Lee)
 6 Madison Avenue # 202
 Cresskill, NJ 07626
 Amount: \$80.00

Sarah Barrs
(for: Jack Barrs)
 18 Eisenhower Drive
 Cresskill, NJ 07626
 Amount: \$350.00

Kimberly Semenoro
(for: Thomas Semenoro)
 78 Heather Hill Road
 Cresskill, NJ 07626
 Amount: \$350.00

Avital Zviran
(for: Aviv Zviran)
 212 Lexington Avenue
 Cresskill, NJ 07626
 Amount: \$350.00

Hee Kyung Park
(for: Claire Park)
 108 Stonegate Trail
 Cresskill, NJ 07626
 Amount: \$20.00

18. AUTHORIZE THE BOROUGH CLERK TO ADVERTISE FOR THE RECEIPT OF BIDS FOR THE PIERMONT ROAD IMPROVEMENTS PROJECT FROM THE TENAFLY BORDER TO THE SOUTHERN EDGE OF MADISON AVENUE – MASER PROJECT # 19004466P.

WHEREAS, the Mayor and Council of the Borough of Cresskill (Borough) have allocated funding towards the Piermont Road Improvement Project; and

WHEREAS, the improvements are to be made along Piermont Road from the Tenafly border to the southern edge of Madison Avenue, approximately 1360 linear feet; and

WHEREAS, the Borough is seeking to have these improvements completed efficiently and as such is seeking to publicly advertise and bid this Project; and

WHEREAS, pursuant to Correspondence from Borough Engineer, Maser Consulting, dated March 19, 2019, and Borough Resolution #7, Maser Consulting was previously authorized to design and prepare the bid documents for said Project;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Cresskill hereby authorizes Francesca Maragliano, Borough Clerk to advertise for the receipt of bids for the Piermont Road Improvement Project; and

BE IT FURTHER RESOLVED, that a Certified to be True Copy of this Resolution be tendered to Maser Consulting, Borough Engineer; Harold Laufeld, III, Borough CFO; and Christos J. Diktas, Esq., Borough Attorney.

19. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following April 2019 payroll be ratified and approved:

April 5, 2019

Current Fund	\$ 309,713.57
Social Security/Medicare	13,350.61
Community Center	2,203.72
Library	<u>11,834.32</u>
	\$ 337,102.22

20. April is Child Abuse Prevention Month

WHEREAS, we all have a responsibility as individuals, neighbors, community members and citizens of Cresskill, New Jersey to help create healthy, nurturing and safe experiences for children; and

WHEREAS, healthy and safe childhoods help produce confident and successful adults; and

WHEREAS, child abuse and neglect often occur when people find themselves in stressful situations, without community resources, and don't know how to cope; and

WHEREAS, incidences of child abuse and neglect can be reduced by making sure all families have the support they need and deserve to raise their children in a healthy environment; and

WHEREAS, it is recognized that no person can do everything but that everyone can do something and together we can create change for the better; and

WHEREAS, effective prevention programs succeed because of partnerships among nonprofit organizations, government agencies, volunteer organizations, schools, service clubs, houses of worship, law enforcement agencies, and the business community; and

WHEREAS, display a pinwheel or planting a pinwheel garden in April will serve as a positive reminder that all children deserve Great Childhoods – happy, healthy and safe.

NOW, THEREFORE, I, Benedict Romeo, Mayor of Cresskill, New Jersey, do hereby proclaim April 2019 as Child Abuse Prevention Month in Cresskill, New Jersey and I urge all citizens to engage in activities that strengthen families and communities to provide the optimal environment for children to learn, grow and thrive so that all children have the benefit of happy, healthy and safe childhoods.

Benedict Romeo, Mayor

21. A RESOLUTION TO ACKNOWLEDGE THE ACQUISITION OF PROFESSIONAL INSURANCE ASSOCIATES, INC. AND PIA SECURITY PROGRAMS, INC. IN ACCORDANCE WITH THE PUBLIC CONTRACT FOR INSURANCE CONSULTING SERVICES FOR 2019.

WHEREAS, the Borough of Cresskill (hereinafter, the Municipality), in accordance with the By-Laws of the respective Joint Insurance Fund(s) for which the Municipality is a Member, requires the appointment of a licensed insurance professional to consultant and advise on all insurance-related matters; and

WHEREAS, the Municipality appointed Professional Insurance Associates, Inc. and PIA Security Programs, Inc. (hereinafter, collectively PIA) to perform such services for the 2019 contract period and further, the Municipality recently received notification of the merger/acquisition of PIA by World Insurance Associates, LLC, (hereinafter, World) based in Tinton Falls New Jersey; and

WHEREAS, the Municipality has been informed, that PIA will operate as an independent division of World and as such, the existing staff management and physical location will continue to serve the Municipality and specifically, meet all the contractual requirements and obligations set forth in the existing PIA contract(s).

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Cresskill, County of Bergen, State of New Jersey hereby acknowledges receipt of notification of the acquisition/merger of PIA and World Insurance Associates, Inc.; and

BE IT FURTHER RESOLVED, the Municipality accepts the representations made by both PIA and World to honor and deliver the insurance and consultation services the

Municipality has known and expects and specifically, meets the contractual obligations set forth and agreed through the existing contract(s). All terms conditions and representations remain unchanged.

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to the Certified Municipal Finance Officer, Municipal Auditor and the Municipal Risk Management Consultant, Professional Insurance Associates, a division of World Insurance Associates, LLC, located at 429 Hackensack Street, Carlstadt, NJ 07072.

22. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that following be approved for part-time employment as Police Dispatchers in the Cresskill Police Department:

<u>Name</u>	<u>Effective Date</u>	<u>Salary</u>
Andrew Gluckman	April 17, 2019	\$12.50 per hour
Colin Robert Hilcken	April 17, 2019	\$12.50 per hour
Michael McGee	April 17, 2019	\$12.50 per hour

23. Oppose the Vegetative Management Response Act (S2505/A2558)

WHEREAS, there is presently pending before the New Jersey Senate Assembly the proposed Legislation entitled Vegetative Management Response Act (S2505/A2558); and

WHEREAS, said Legislation would allow any public utility to unilaterally usurp the role of local government in the management of public trees within public parks and within the public right-of-way, and would unilaterally permit the removal of trees on private property without the owner's consent whenever the public utility determines that such trees are "growing in, near, or adjacent to the electric utility's right-of-way, and the electric distribution and transmission system... which may fall into, touch, affect, or otherwise interfere with an electrical distribution line; and

WHEREAS, proposed amendments to N.J.S.A. 40:64-12.c would expand the purview of any public utility (such as electric, gas, water and pipeline) or cable television company to clear, remove, cut or destroy any tree, shrub or plant, without municipal permission or consultation, if done to install or maintain any structures or fixtures; and

WHEREAS, the proposed legislation exempts public utilities from local regulation or penalty if they claim to be "acting in good faith, with due diligence and reasonable judgment"; and

WHEREAS, under the proposed legislation, a utility is under no obligation to confer with the local government or the private property owner before unilaterally choosing to clear, move, cut or destroy the vegetation; and

WHEREAS, the proposed legislation limits the authority of local shade tree commissions by granting authority to any public utility to carry out "vegetative management" without notifying or consulting with the municipality or taking municipal regulations into account; and

WHEREAS, the Borough of Cresskill values both its public and private trees, which not only add to the beauty and overall livability of the Borough, but also serve as a buffer to the extremes of weather, offer cooling shade in the summer and shelter from winter winds, produce oxygen and reduce carbon dioxide in the air and help to curtail flooding and restore the groundwater supply; and

WHEREAS, the proposed legislation is imbalanced and dramatically expands the authority of electric and other public utilities; and

WHEREAS, the Borough Council finds that public utilities and cable television providers have an obligation and responsibility to work with local authorities to cooperate in the responsible management of trees;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Cresskill, Bergen County, New Jersey that the Borough of Cresskill opposes the Vegetative Management Response Act in its present form and urges the New Jersey Senate and Assembly not to adapt same; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to provide a copy of the within resolution to State Senator Loretta Weinberg, Assemblyman Gordon Johnson and Assemblywoman Valerie Vainieri Huttle and to all Municipal Clerks within the County of Bergen.

Francesca Maragliano, Borough Clerk

Benedict Romeo, Mayor

24. RESOLUTION AUTHORIZING AGREEMENT WITH GOVDEALS FOR THE DISPOSAL BY AUCTION OF SURPLUS PROPERTY AND ONLINE AUCTION OF SURPLUS PROPERTY

WHEREAS, the Borough of Cresskill is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:11-36 the Borough of Cresskill may sell any personal property which is no longer needed for public use; and

WHEREAS, the Borough of Cresskill is desirous of selling said surplus property in an “as is” condition without express or implied warranties; and

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

1. The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are attached to this resolution, will be available online at govdeals.com and also available from Borough of Cresskill once the auction date is set by adoption of a separate resolution.
2. The sale will be conducted online and the address of the auction site is govdeals.com.
3. The sale is being conducted pursuant to Local Finance Notice 2008-9.
4. The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
5. The Borough of Cresskill reserves the right to accept or reject any bid submitted.
6. The Borough of Cresskill selects Option B4 from the Financial Settlement Services portion of the GovDeals Online Auction Memo of Understanding attached. GovDeals.com will collect the proceeds, the Borough of Cresskill will pay zero percent fees (0%) and the winning bidder pays a 12.5% Buyers Premium.
7. The Borough of Cresskill will not release any vehicles to the successful bidders until the Borough of Cresskill has received verification from GovDeals that payment has been received from the winning bidder.
8. No proceeds (less the Buyer’s Premium) will be remitted to the Borough of Cresskill for any asset sold without verification of payment from GovDeals and verification from the Borough of Cresskill that the item has been picked up by the winning bidder.
9. The Borough of Cresskill is responsible to notify GovDeals when the item has been picked up. Gov Deals will remit all proceeds so collected, less the Buyer’s Premium, to

the Borough Cresskill, on a weekly basis for all assets the Borough advises as “picked up”.

10. The Borough will not deliver the vehicles to the successful bidder.
11. The vehicles are to be transferred and taken off the site within five business days after the sale has occurred.
25. BE IT RESOLVED, as recommended by the Municipal Pool Commission, that the following credit card processing fee refund, be authorized from the Municipal Swim Club Account:

Yana Odintsov
269 Jefferson Avenue
Cresskill, NJ 07626
Amount: \$14.75

26. WHEREAS, the Mayor and Council of the Borough of Cresskill has requested that Maser Consulting, P.A. (Maser Consulting) present a proposal for professional services regarding “2019 Bergen County Municipal Program Park Improvement Grant Application (Merritt Field Improvements Project)”; and

WHEREAS, Maser Consulting requests permission, to provide the declaration of intent to apply and application, drafting of the required display advertisement for public hearing, resolution and supporting documents, as further described in the Maser Consulting, PA Professional Service Proposal dated April 12, 2019; and

WHEREAS, Maser Consulting has presented a Flat Fee Service Agreement identified as follows:

1. TASK 1.0–GRANT APPLICATION	\$4,300.00
TOTAL LUMP SUM FEE	\$4,300.00

WHEREAS, the corresponding completion dates are noted in the attached April 12, 2019, Maser Proposal, which is attached hereto and incorporated herein as if set forth in its entirety;

NOW, THEREFORE BE IT RESOLVED, that the Council of the Borough of Cresskill does hereby award Maser Consulting a Professional Service Contract to undertake and prepare the necessary documents to provide application and drafting for the 2019 Bergen County Municipal Program Park Improvement Grant Application, as further described in the Maser Consulting, PA Professional Service Proposal dated March 19, 2019; and

BE IT FURTHER RESOLVED, the Council does hereby authorize either Mayor Benedict Romeo or Edward Wrixon, Acting Borough Administrator, to enter into a Professional Service Contract or formally accept the April 12, 2019, Maser Proposal;

BE IT FURTHER RESOLVED that a Certified to be True Copy of this Resolution be tendered to Andrew R. Hipolit, P.E., Maser Consulting P.A.; Edward Wrixon, Borough Administrator; Harold Laufeld, III, Chief Financial Officer; and Francesca Maragliano, Borough Clerk.

27. WHEREAS, the Borough of Cresskill and Kearny Properties LLC (collectively the “Parties”) have negotiated and entered into an Agreement pertaining to 35 Union Avenue, Cresskill, New Jersey, specifically as to various Easements granted to the Borough by the current and prior Owners; and

WHEREAS, the Parties have agreed that all of the Easements (Recorded or Unrecorded) shall respectfully be modified by a Document entitled Amended and Restated Deed of Easement, which is attached hereto and incorporated herein as if set forth in its entirety; and

WHEREAS, three Recorded Easements and one Easement by Implication or Adverse Possession have been granted to the Borough and the Document creates a new Fifth Easement, while vacating the Implied Easement/Adverse Easement; and

WHEREAS, the Easements, as originally presented and subsequently modified are necessary for the Borough to finalize the Municipality's Construction Rehabilitation Project to the Area.

NOW, THEREFORE, BE IT RESOLVED, that the Council does hereby authorize Mayor Benedict Romeo, or, if unavailable, the Borough Administrator, Edward Wrixon, to execute the Amended and Restated Deed of Easement and to Record same with the Bergen County Clerk; and

BE IT FURTHER RESOLVED, that a Certified to be true Copy of this Resolution be served upon Anthony Davis, Esq., Attorney for Kearny Properties, LLC; Francesca Maragliano, Borough Clerk; James Anzevino, Tax Assessor; Edward Wrixon, Borough Administrator; Christos J. Diktas, Esq., Borough Attorney.

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

28. No one wished to be heard.

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

Roll Call: Yes – Unanimous Motion adopted.

30. Motion by Council Member Olmo and seconded by Council Member Spina 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.

31. 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

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

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

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.]

33. Eric Holme, 8 Douglas Drive asked why the Mayor and Council recently objected to the power plant in Hudson County. Attorney Diktas said the Mayor and Council felt it was in the best interest of the borough, therefore adopting a resolution opposing the power plant. The hydrocarbons and different emissions from the plant would bring some of the pollutants north into the borough, and NYC would be benefitting more than any NJ

