

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

OCTOBER 7, 2020

1. Dr. Brenner 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, Kaplan, Mueller, Olmo, Savas, Spina
Also Present: Attorney Diktas, Chief Wrixon, Deputy Chief Domville
5. Motion by Council Member Savas and seconded by Council Member Cleary to approve the minutes of the Mayor and Council Regular meeting of September 16 and Mayor and Council Special meeting of September 25, 2020.

Roll Call: Yes – Unanimous

Motion adopted.

COMMUNICATIONS

6. Minutes of the following meetings:

Planning Board
Board of Health

September 8 & 22, 2020
June 22, 2020

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Savas said the Library will be extending their hours. They now have self-checkout for taking out books. Recreation's fall sports are going well. We met with the directors of the various sports programs and COVID guidelines are being followed. We are one of the few towns in the area that are having fall programs.

Council Member Olmo said leaf pickup will begin next week. Chief Wrixon said we can send out a reverse 911 about not parking or driving through leaf piles. We can also send out a nixle alert.

Council Member Mueller said we have a reassessment negotiation that has been going on for some time that is about to settle.

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

CONSENT AGENDA

NEW BUSINESS

*Resolutions

9. WHEREAS, the Mayor and Council of the Borough of Cresskill on December 4, 2019 adopted Resolution No. 13 awarding a bid for the Merritt Fieldhouse to Security in the amount of \$428,740.00; and

WHEREAS, Security Structures Inc. has requested payment for the current work completed to date; and

WHEREAS, the Borough Engineer of Special Projects, Maser Consulting by way of letter dated September 18, 2020 (a copy of which is attached) has certified that the work is completed as stated and recommends progress payment #3 in the amount of \$73,272.64; and

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

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Borough Treasurer is authorized to make progress payment #3 to Security Structures in the amount of \$73,272.64.

Original Contract Amount	\$ 428,740.00
Change Order to Date	\$ 27,978.00
<u>Adjusted Contract Amount</u>	<u>\$ 456,718.00</u>
Amount Completed to Date	\$ 296,999.00
<u>Less 2% Retainage</u>	<u>\$ (5,939.98)</u>
Less Progress Payment #1	\$ (22,814.40)
<u>Less Progress Payment #2</u>	<u>\$ (194,971.98)</u>
<u>Amount due progress Payment #3</u>	<u>\$ 73,272.64</u>

10. APPROVAL OF EXTENTION OF SUEZ WATER DISTRIBUTION FOR THE GRAND ROSE DEVELOPMENT

WHEREAS, Legion LLC has presented to Suez Water New Jersey an application for an extension to its distribution system running consisting of relocating and/or installing 240 feet of 8 inch pipe in public road known as Division Street, Cresskill NJ for a residential development known as “The Grand Rose”. Off main will be ten (10) 1” domestic services to serve ten (10) single family homes.

NOW THEREFORE BE IT RESOLVED, that the said extension be made and the same hereby be approved.

11. BE IT RESOLVED, as recommended by the Municipal Pool Commission, that the following refunds be authorized from the Municipal Swim Club Account due to membership cancelations due to the Corona Virus:

Shahla Sabet	Andreas Fotopoulos
14 Buckingham Road	5 Crest Drive South
Cresskill, NJ 07626	Cresskill, NJ 07626
Amount: \$138.75	Amount: \$275.00

12. WHEREAS, the Building Department issued plumbing permit # 20-267 for work to be performed at 171 Magnolia Avenue; and

WHEREAS, it was determined that plumber Frank DeRiso paid for the wrong permit;

NOW, THEREFORE, BE IT RESOLVED that the following refund be made:

Frank DeRiso
 21 Belden Place
 Norwood, NJ 07648
 Amount: \$70.00

13. 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:

Lehaviv Lapid <i>(for: Netai Szwerdszarf)</i> 20 Evans Road Cresskill, NJ 07626 Amount: \$138.38	Ceres Ruzich <i>(for: Elizabeth Ruzich)</i> 59 Huyler Landing Road Cresskill, NJ 07626 Amount: \$117.88	Jee Park <i>(for: Helen Park)</i> 160 County Road Cresskill, NJ 07626 Amount: \$82.00
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Jennifer Kottke
(for: Emma Kottke)
120 Garfield Street
Haworth, NJ 07641
Amount: \$117.88

14. Chapter 159 Resolution – Amendment to 2020 Budget

WHEREAS, N.J.S.A. 40:A4-87 provides that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the budget of any County or Municipality when such item shall have been available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amounts;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Cresskill requests the Director of Division of Local Government Services to approve the insertion of an Item of Revenue in the 2020 Budget in the sum of \$3,261.47 which is now available as a revenue from State and Federal Grants off-set by revenue;

BE IT FURTHER RESOLVED, that a like sum of \$3,261.47 and the same is hereby appropriated under the caption

General Appropriations
Operations Excluded from CAPS
State and Federal Programs Offset by the Revenues
Body Armor Grant

15. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following September and October 2020 payrolls be ratified and approved:

September 25, 2020

Current Fund	\$ 374,752.81
Social Security/Medicare	17,998.66
Community Center	1,903.23
Library	11,558.43
Swim Pool	<u>7,578.45</u>
	\$ 413,791.58

October 9, 2020

Current Fund	\$ 373,382.44
Social Security/Medicare	12,844.94
Community Center	2,472.48
Library	11,964.63
Swim Pool	<u>3,202.00</u>
	\$ 403,866.49

16. WHEREAS, the Borough of Cresskill, pursuant to Ordinance, has created the Cresskill Volunteer Ambulance & Emergency Services Company (hereinafter "CVAES"); and

WHEREAS, the CVAES Members are appointed by the Mayor and confirmed by the Council; and

WHEREAS, fulfilling the Membership requirements, as established by the Mayor & Council and the Rules and Regulations of the Cresskill Fire Department and Cresskill Emergency Services Department, plus the requirements annotated in Ordinance §15-1 et seq.; and

WHEREAS, the following individuals:

Matthew Abril - EMS
John McLaughlin - FIRE

have petitioned the Mayor seeking to become a Member of the CVAES; and

WHEREAS, each Petition/Application has been submitted to the Board of Fire Officers and approved by same, subject to the final approval and appointment by the Mayor and Council;

NOW, THEREFORE, BE IT RESOLVED, that the above individuals are hereby appointed by Mayor Benedict Romeo and each respective appointment is confirmed by the Council, subject to the respective appointee complying with the Cresskill Revised General Ordinances, specifically, §15-1 et seq., specifically §15-5, Requirements of the Volunteer Division; and

BE IT FURTHER RESOLVED, that a Certified to be True Copy of this Resolution be served upon each Appointee; Fire Chief Christopher Ulshoefer; Harold Laufeld, CFO; Edward Wrixon, Borough Administrator; Francesca Maragliano, Borough Clerk

17. 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 overpayment of 2020 3rd quarter taxes:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
33	345	Brian Bovino & Irene Markoulis 216 8 th Street Cresskill, NJ 07626	\$ 6,294.90

18. RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF CRESSKILL AND AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING AN \$8,350,000 BOND ANTICIPATION NOTE, DATED OCTOBER 15, 2020 AND PAYABLE OCTOBER 15, 2021, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Cresskill, in the County of Bergen, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations the interest on which is excluded from gross income for Federal income tax purposes and desires to take

such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough desires to designate an \$8,350,000 Bond Anticipation Note, dated October 15, 2020 and payable October 15, 2021 (the "Note"), as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Cresskill, in the County of Bergen, New Jersey, as follows:

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Note be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2020.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2020.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough be and they hereby are authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2020 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

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

19. No one wished to be heard.
20. Motion by Council Member Savas and seconded by Council Member Olmo to close the meeting to remarks on agenda items.

Roll Call: Yes – Unanimous

Motion adopted.

21. Motion by Council Member Savas 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.

22. Motion by Council Member Savas 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

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

(Resolution in full on pages 147A through 147N.)

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.]

24. Laura Brenner, 127 Westervelt Place said she's concerned about the lack of masks being worn at Council meetings. The Governor's mandate is that all indoor public activities require masks. Chief Wrixon said I believe you complained to the Board of Health and were told 6' or social distancing is ok. Ms. Brenner said she asked for clarification and checked the guidelines. The recommendation is to wear masks for indoor functions. Mayor Romeo said we have a COVID meeting tomorrow and will clarify with Dr. Morgan.

David Ortiz, 49 Palisade Avenue asked the completion date for the Grand Rose complex. Mayor Romeo said probably 18 months. Mr. Ortiz asked about the impact on traffic. Mayor Romeo said ½ will exit onto Legion Drive and the other onto Division Street. Chief Wrixon said an extensive traffic study will be done when they start populating the homes.

Mr. Ortiz said nobody stops at the stop sign on Linwood Avenue going right onto Palisade Avenue. Chief Wrixon said our traffic officer is amazing and he'll look into it.

Chief Wrixon said the Governor said Halloween is on with lots of cautions. It's the parent's choice if their children go trick or treating and ensure they're doing so safely. Council Member Savas said our Recreation Director wants to have the rag-a-muffin parade, socially distanced and with masks. There will not be an event after, but we'll give each child a bag of candy. We're also going to have a drive-in movie for Halloween in the pool parking lot.

No one else wished to be heard.

25. Motion by Council Member Savas and seconded by Council Member Cleary to close the meeting to remarks from the public.

Roll Call: Yes – Unanimous Motion adopted.

26. Motion at 7:57 P.M. by Council Member Savas and seconded by Council Member Cleary to adjourn the meeting.

Roll Call: Yes – Unanimous.

Motion adopted.

Benedict Romeo
Mayor

Francesca Maragliano
Borough Clerk