

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

OCTOBER 6, 2021

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 735 P.M.
4. Present: Council Members Cleary, Kaplan, Mueller, Olmo, Savas, Spina
Also Present: 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 15, 2021.

Roll Call: Yes – Unanimous

Motion adopted.

COMMUNICATIONS

6. Minutes of the following meetings:

Planning Board
Board of Health

September 14, 2021
June 28, 2021

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Spina said the Cresskill 5k will be on Sunday, October 17th. Thanks to everyone that has helped make it happen.

Council Member Savas said Recreation's fall sports programs are going well and everyone is healthy. Jason Mitchell will be at the COW next week to brief us on the upcoming Halloween festivities. The Library Board has offered the use of their media room to the High School Guidance Dept.

UNFINISHED BUSINESS

ORDINANCE ON FINAL READING

Bond Ordinance No. 21-31-1581 – Amend Bond Ordinance No. 21-27-1577

8. Motion at 7:39 PM by Council Member Olmo and seconded by Council Member Cleary to introduce Ordinance No. 21-31-1581 on final reading by title only, Bond Ordinance to appropriate an additional sum of \$25,000 for the undertaking of various renovations and improvements to the Municipal Building in, by and for the Borough of Cresskill, in the County of Bergen, New Jersey, to make a Down Payment, to authorize the issuance of bonds to finance such additional appropriation and to provide for the issuance of bond anticipation notes in anticipation of the issuance of such bonds.

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

(Bond Ordinance in full on pages 124J through 124M in Minutes of Regular Mayor and Council Meeting held September 15, 2021.)

- 9. The Borough Clerk announced the Ordinance was published in The Record on September 17, 2021, posted in Borough Hall, and copies made available to the public.
- 10. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
- 11. No one wished to be heard.
- 12. Motion by Council Member Olmo and seconded by Council Member Cleary to close the public hearing.

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

- 13. 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. 21-31-1581, entitled:

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$25,000 FOR THE UNDERTAKING OF VARIOUS RENOVATIONS AND IMPROVEMENTS TO THE MUNICIPAL BUILDING IN, BY AND FOR THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL 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 Cleary, Kaplan, Mueller, Olmo, Savas, Spina
No – None
Absent – None
Abstain – None
Resolution adopted.

- 14. Borough Clerk Maragliano explained all items on the Consent Agenda.

CONSENT AGENDA

NEW BUSINESS

*Resolutions

- 15. WHEREAS, the Cresskill Department of Public Works has requested the purchase of a Claw Bucket in the amount of \$21,892.00; 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 ESCNJ Co-op #65MCESCCPS from Jesco, 1275 Bloomfield Avenue, Fairfield, NJ 07004.

- 16. WHEREAS, the Cresskill Department of Public Works has requested the purchase of an Elgin Pelican Street Sweeper in the amount of \$247,345.68; 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 ESCNJ Co-op #65MCESCCPS from Timmerman Equipment Company, P.O. Box 71, Whitehouse, NJ 08888.

- 17. WHEREAS, the Borough of Cresskill is a member of the Riverside Cooperative 35-01-RC; and

WHEREAS, bids were received by the Riverside Cooperative and a contract was awarded to the low bidder, D&L Paving of 675 Franklin Avenue, Nutley New Jersey 07110 on April 7, 2021; and

WHEREAS, Special Projects Engineer, Colliers Engineering & Design by way of letter dated September 21, 2021 (a copy of which is attached) has certified that the work is completed as stated and recommends progress payment #2 in the amount of \$175,364.68 and;

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cresskill that the Borough Treasurer is authorized to make progress payment #2 to D&L Paving in the amount of \$175,364.68.

Payment No. 2
2021 Riverside Cooperative Paving Program

Contract Amount (5 Roads)	\$ 383,174.85
Change Order No. 1	\$ 398.16
Municipal Lot	\$ 219,960.00
<u>Dogwood Lane</u>	<u>\$ 114,525.00</u>
Adjusted Contract Amount	\$ 718,058.00
Amount Completed to Date	\$ 562,516.55
<u>Less 2% Retainage</u>	<u>\$ (11,250.33)</u>
Subtotal	\$ 551,266.22
<u>Less Previous Payment #1</u>	<u>\$ 375,901.54</u>
Amount due Progress Payment #2	\$ 175,364.68

- 18. 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:

Deborah Munoz (for: Rachel Maniscalco) 110 Schraalenburgh Road Haworth, NJ 07641 Amount: \$194.75	Taline Festekjian (for: Alina Babikian) 151 Hoover Drive Cresskill, NJ 07626 Amount: \$281.88	Sharon Yazdi (for: Adel & Ariel Yazdi) 84 11 th Street Cresskill, NJ 07626 Amount: \$681.63
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Nazike Duraku
 (for: Sarina Haxhaj)
 207 W. Morningside Ave.
 Cresskill, NJ 07626
 Amount: \$194.75

19. WHEREAS, The Borough is in possession of the Pulte Homes' Maintenance Performance Bond No. 764759S and Maintenance Bond 764759S-1, regarding the Willow Run project; and

WHEREAS, the Willow Run Condominium Association and Pulte Homes had construction discrepancies, resulting in the Borough's refusal to release the Bond or, in the alternative, to interplead the Bond into the Superior Court unless Willow Run Condominium Association and Pulte Homes resolved their differences; and

WHEREAS, the Borough has received written confirmation from both Willow Run Condominium Association and Pulte Homes that all issues have been resolved and there will be no objection to the Borough releasing the Bonds to Pulte Homes;

WHEREAS, Borough Engineer Paul Azzolina, PE, has approved all line items under the Performance and Maintenance Bonds as satisfactorily completed;

NOW, THEREFORE, BE IT RESOLVED, the Council does hereby authorize the Municipal CFO, Alison Altano, to release Performance Bond No. 764759S and Maintenance Bond 764759S-1, to Pulte Homes; and

BE IT FURTHER RESOLVED, that a Certified to be true copy of this Resolution be served upon Alex Tasic, Esq., Counsel for Willow Run Condominium Association; Edward Wrixon, Borough Administrator; Paul Azzolina, PE, Borough Engineer; Francesca Maragliano, Borough Clerk; and Christos J Diktas, Esq., Borough Attorney.

20. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following July, August and September 2021 payrolls be ratified and approved:

July 30, 2021

Current Fund	\$ 423,007.29
Community Center	3,323.23
Library	12,520.58
Swim Pool	<u>25,190.44</u>
	\$ 464,041.54

August 13, 2021

Current Fund	\$ 429,121.58
Community Center	3,227.77
Library	12,428.72
Swim Pool	<u>26,917.77</u>
	\$ 471,695.84

August 27, 2021

Current Fund	\$ 345,259.83
Community Center	2,411.22
Library	12,725.88
Swim Pool	<u>31,602.11</u>
	\$ 391,999.04

September 10, 2021

Current Fund	\$ 341,724.28
Community Center	2,292.91
Library	13,163.90
Swim Pool	<u>19,589.32</u>
	\$ 376,770.41

<u>September 24, 2021</u>	
Current Fund	\$ 372,701.91
Community Center	2,049.77
Library	12,373.82
Swim Pool	<u>10,287.73</u>
	\$ 397,413.23

21. Resolution to Approve the Corrective Action Plan for the Fiscal Year 2020
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 2020 Audit Report submitted by the Chief Financial Officer.

22. 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 2020 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.

- 23. WHEREAS, the Mayor and Council of the Borough of Cresskill on March 17, 2021 adopted Resolution No. 11 awarding a bid for the Reconstruction of Engle Street to Onque Technologies, Inc. in the amount of \$418,320.50; and

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

WHEREAS, the Borough Engineer, Azzolina & Feury by way of letter dated October 4, 2021 (a copy of which is attached) has certified that the work is completed as stated and recommends progress payment #2/change order #1 in the amount of \$271,702.33; 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 #2/change order #1 to Onque Technologies, Inc. in the amount of \$271,702.33.

Payment No. 2
CR-974 – Reconstruction of Engle Street

Value Work Completed to Date	\$ 426,985.49
Less: 2% Retainage	\$ 8,539.71
<u>Less: Amount Previously Paid</u>	<u>\$ 146,743.45</u>
Total Amount Due	\$ 271,702.33

Amount due progress Payment #2 \$ 271,702.33

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

- 24. No one wished to be heard.
- 25. 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.

- 26. Motion by Council Member Olmo 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.

- 27. 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

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

(Resolution in full on pages 134A through 134H.)

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.]

29. Borough Historian Tom Sites said Cynthia Forester of the Bergen County Historical Preservation Committee reached out to him about the eroding south wall around the Merritt Memorial Circle. It belongs to the County, but she is reaching out to us to see what we want done with it. Mayor Romeo said we've been going back and forth with the County over this wall for years. The wall has no connection to Camp Merritt. The County owns the wall and should fix it. Mr. Sites said he will let Ms. Forester know that we want the wall fixed.

Mayor Romeo said we haven't heard anything definitive about the repairs at the High School. They're trying to get answers from FEMA about the funds to replace the boilers. They can't use the Crestron building but hopefully will be using St. Therese soon, they're waiting for the okay from the State. Mayor Romeo said he's advised Supt. Burke to make Merritt and Bryan Schools half days for the grade school kids and then afternoons for middle/high school kids. This way they all get in person schooling.

No one else wished to be heard.

30. 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.

31. Motion at 7:58 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

Francesca Maragliano
Borough Clerk