



9. 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 A \$9,889,000 BOND ANTICIPATION NOTE, DATED OCTOBER 15, 2021 AND PAYABLE OCTOBER 14, 2022, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

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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 a \$9,889,000 Bond Anticipation Note, dated October 15, 2021 and payable October 14, 2022 (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 2021.

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 2021.

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 2021 dated as of the date of delivery of the Note.

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

10. WHEREAS, it is important to have clear policies in place detailing the guidelines for the establishment of internal controls and employee expectations when conducting municipal business; and

WHEREAS, the Borough of Cresskill deems that it is in the best interest of the Borough to make certain financial transactions by using a credit card;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill, County of Bergen and State of New Jersey to adopt the Credit Card Policy as set forth in Exhibit A, attached hereto.

11. WHEREAS, the Superintendent of Public Works has requested the purchase of playground equipment for Merritt Field Playground, in an amount of \$41,309.97; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cresskill authorizes the purchase under ESCNJ Cooperative Contract# 65MCESCCPS from Ben Shaffer Recreation Inc. PO Box 844, Lake Hopatcong NJ 07849.

12. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following October 2021 payrolls be ratified and approved:

<u>October 8, 2021</u>	
Current Fund	\$ 368,987.04
Community Center	2,480.91
Library	13,099.56
Swim Pool	<u>3,229.50</u>
	\$ 387,797.01

<u>October 22, 2021</u>	
Current Fund	\$ 362,167.82
Community Center	2,049.77
Library	<u>12,484.72</u>
	\$ 397,413.23

13. WHEREAS, the following permit has been issued under Section 132-27 of the Code of the Borough of Cresskill and cash bond deposited therefor; and

WHEREAS, the Property Maintenance Officer and Superintendent of Public Works has inspected the work and found it to meet all requirements of the applicable Section;

NOW, THEREFORE, BE IT RESOLVED that the proper officials be and hereby are directed to return the bond held under the following permit:

<u>Code Sec.</u>	<u>Permit #</u>	<u>Name</u>	<u>Amount</u>
132-27	4303	Soo Park 161 Palisades Avenue Cresskill, NJ 07626	\$50.00

14. WHEREAS, the Borough has enacted Municipal Ordinance 20-17-1567, an open retirement incentive to all eligible municipal employees; and

WHEREAS, the Ordinance indicates that the offer is open to all full-time eligible employees who will retire or who have formerly retired between January 1, 2020, and June 20, 2021; and

WHEREAS, the benefits contained under Ordinance 20-17-1567 shall sunset on December 31, 2021; and

WHEREAS, Kamil Faris, a mechanic employed in the Borough in the Department of Public Works, commenced employment on August 7, 2006; and

WHEREAS, Kamil Faris, is about to reach social security retirement age, although vested in the state pension plan, will never meet the time criteria to receive a full pension; and

WHEREAS, Kamil Faris has submitted his irrevocable resignation to the Borough, effective December 31, 2021, with the last day of employment being November 5, 2021;

NOW, THEREFORE, BE IT RESOLVED, the Council has hereby reviewed the Notice of Resignation and acceptance of benefits under Ordinance 20-17-1567 submitted by Kamil Faris and concurs that Kamil Faris is eligible to receive benefits under the Ordinance even though he has not vested the years to receive a full pension; and

BE IT FURTHER RESOLVED, that a certified to be true copy of this Resolution be served upon Alison Altano, Borough CFO, Francesca Maragliano, Borough Clerk; Edward Wrixon, Borough Administrator; and Kamil Faris.

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

15. Adam Rubenstein, 31 Pierce Avenue asked how much the Merritt Field playground cost. Borough Clerk Maragliano said \$41,000 under the cooperative agreement. Mayor Romeo said we included the park in our grant application so parents don't have to take their younger children to Merritt School Park and can watch the game. Suzanne Joshi, 56 Cedar Street asked if renting out the field could be a fundraising opportunity. Mayor Romeo said you could try to work it out with Little League.

No one else wished to be heard.

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

Roll Call: Yes – Unanimous Motion adopted.

17. 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.

18. Motion by Council Member Savas and seconded by Council Member Spina to adopt all items with an asterisk as a single question.

Roll Call: Yes – Unanimous Motion adopted.

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PRESENTATION OF BILLS

19. Resolution by Council Member Savas and seconded by Council Member Cleary:

(Resolution in full on pages 139A through 139G.)

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.]

20. Eric Holme, 8 Douglas Drive asked why Cresskill does not have a ballot box for the upcoming election. Clerk Maragliano said the County has a limited number of boxes and decides on what towns they are placed in.

Janet & Richard Wehle, 5 Heather Hill Court and Doris & Rocco Brasi, 9 Heather Hill Court said they are concerned about the soil erosion and all the debris in the creek behind their homes. Ms. Wehle said environmentally things change but there has been a lot of construction in the area which may be part of the problem and people not clearing out the debris behind their homes. There are tree trunks and a large piece of concrete that couldn't have come up through the sewer grates. We shouldn't be penalized because the homes upstream are not cleaning out their part. Mayor Romeo said there has been a lot of construction and the builders dumped a lot of stuff in there. Mr. Brasi said the town, or the state must have some responsibility concerning the stream. Mayor Romeo said the state is responsible for the course of the water. We can't go in and dig or change the course of the stream. I will have DPW Supt. Jim Noseworthy look at it and see what we can do to help clean it out.

Stephanie Cropper, 217 9<sup>th</sup> Street read a letter to the Mayor and Council asking what they are doing to get the High/Middle School kids back to in-person learning.

Mayor Romeo said the BOE is an autonomous Board. We can give them input and advise them, but they don't usually listen to us. They are funded through taxpayer money every month to pay their bills. We are doing everything we can to help but legally are very limited to what we can do. Our OEM Coordinator Chris Ulshoefer has been helping them fill out all the FEMA applications which is voluminous. FEMA is a vicious cycle. They will not give you the money until after the project is completed, but we need the money now. Also, they only give you 75% and then you don't always receive the full 75%. Our Bond Counsels are meeting next week to see how we can come up with an agreement. They must be able to pay us back or the Borough's budget becomes a disaster. We are with you and doing everything in our power. I made the arrangements with Father Sam to use St. Therese School. We suggested going half days for a couple of months in Merritt and Bryan Schools so these kids can get into a classroom setting.

Elinor Solomon, 259 Jefferson Avenue said we have suggested the half day sessions, and other ideas but we don't get answers. The BOE doesn't hold in person meetings, only by zoon. We did not have all these details until we came here. Council Member Spina said we've made all the borough properties i.e., Community Center, Senior Center, etc. available to the school. There seems to be a misconception that we don't want to help but we are.

Nurit Shiber, 11 Elmwood Terrace said she fears for the children's mental health.

Dan Riccardo, 203 8<sup>th</sup> Street said the half day sessions is an outstanding idea. Also, the Borough went out of their way to help the special need kids. They're in the Community Center five days a week in person. The Borough has done everything they can, and a lot of the problem is with the BOE.

Council Member Savas advised they set up a task force and she would be their liaison to the Mayor and Council.

Council Member Spina said the BOE needs to hire a consultant or project manager. Mayor Romeo said if there's something that needs to be done and we don't know how to do it, we call in a consultant. We try to do everything with experts, so we don't make a mistake the first time and have to do it over and spend more money.

Ann Solano, 11 Maple Street suggested a town hall meeting with the Mayor and Council and BOE. Mayor Romeo said we have three meetings a month at the Borough Hall.

Nurit Shiber, 11 Elmwood Terrace asked who would make the decision to build the high school in a different location. Mayor Romeo said there is not another location available. Everything is within 300 feet of a brook. Third Street was a swamp before it was filled in and the ballfields were made. Council Member Kaplan said we're looking at getting the Federal Government involved with mitigating the flood hazard from the Tenakill. Council Member Savas said as a resident you could write or email Congressman Bill Pascrell.

Dan Riccardo asked if the Community Center could be opened on Friday and Saturday nights so the kids can socialize. Mayor Romeo said we would have to check on the current COVID rules.

Janet Sharma, 15 Engle Street said she was the CEO of a volunteer center for Bergen County. During Hurricane Sandy we raised a lot of money and helped a lot of people. In response for that I received an American Flag flown over the World Trade Center from then Governor Christie. I would like to give it to you for our 9-11 Memorial. The Mayor and Council thanked Ms. Sharma.

No one else wished to be heard.

21. Motion at 8:41 P.M. by Council Member Savas and seconded by Council Member Cleary to close and adjourn the meeting.

Roll Call: Yes – Unanimous.

Motion adopted.

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Benedict Romeo  
Mayor

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Francesca Maragliano  
Borough Clerk