BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL BERGEN COUNTY NEW JERSEY

REGULAR MEETING

JUNE 1, 2022

- 1. Deputy Chief Domville 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 <u>The Record</u> and delivery to all members of the governing body.
- 3. Mayor Romeo called the meeting to order at 7:31 P.M.
- 4. Present: Council Members Cleary, Kaplan, Olmo, Schultz-Rummel, Spina Also Present: Attorney Diktas, Deputy Chief Domville, Members of the Police Dept. Absent: Council Member Savas
- 5. Mayor Romeo read an introduction to Deputy Chief Domville's promotion.
- 6. Resolution by Council Member Kaplan and seconded by Council Member Olmo:

BE IT RESOLVED, due to the retirement and by way of recommendation from the Police Chief the Mayor is pleased to appoint James Domville to the position of Chief of Police of the Cresskill Police Department, effective immediately and asks for confirmation.

Introduced: Council Member Kaplan

Seconded: Council Member Olmo

Roll Call: Council Member Cleary, Kaplan, Olmo, Schultz-Rummel, Spina

- 7. Borough Clerk Maragliano swore in Police Chief James Domville.
- 8. Retired Chief Wrixon said the Chief of Police position is not easy, but Jim is ready for it. He's been the best number two guy I could have, and we've always had each other's back

Chief Domville said he is very proud to lead the men and women of the Cresskill Police Dept. This is a wonderful community and I really appreciate the faith the Council's put in me.

9. Motion by Council Member Olmo and seconded by Council Member Schultz-Rummel to approve the minutes of the Mayor and Council Regular meeting of May 18, 2022.

All in Favor. None Opposed.

Motion adopted.

COMMUNICATIONS

10. Minutes of the following meeting:

Planning Board

May 10, 2022

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

11. Council Member Spina said the BOH is working on their summer newsletter.

Council Member Olmo said the swim club had a successful opening.

Council Member Kaplan said the Historical Committee took part in the Memorial Day parade with a stand displaying historical artifacts from Cresskill.

Council Member Cleary said his ham radio club couldn't hold their meeting due to all the activities at the Third Street parks.

UNFINISHED BUSINESS

ORDINANCE ON FINAL READING

Bond Ordinance No. 22-07-1589 – 2022 Road Improvement Program

12. Motion at 7:45 PM by Council Member Olmo and seconded by Council Member Schultz-Rummel to introduce Bond Ordinance No. 22-07-1589 on final reading by title only, Bond Ordinance to Authorize the Undertaking of Various Public Improvements in, by and for the Borough of Cresskill, in the County of Bergen, State of New Jersey, to Appropriate the Sum of \$1,200,000 to Pay the Cost thereof, to make a Down Payment, to Authorize the Issuance of Bonds to Finance Such 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, Olmo, Schultz-Rummel, Spina

No - None

Absent – Council Member Savas

Abstain – None Motion adopted.

(Bond Ordinance in full on pages 79H through 79L in Minutes of Regular Mayor and Council Meeting held May 18, 2022.)

- 13. The Borough Clerk announced the Ordinance was published in <u>The Record</u> on May 20, 2022, posted in Borough Hall, and copies made available to the public.
- 14. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
- 15. No one wished to be heard.
- 16. Motion by Council Member Olmo and seconded by Council Member Cleary to close the public hearing.

Roll Call: Yes – Council Members Cleary, Kaplan, Olmo, Schultz-Rummel, Spina

No - None

Absent - Council Member Savas

Abstain – None Motion adopted.

17. Resolution by Council Member Olmo and seconded by Council Member Schultz-Rummel:

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. 22-07-1589, entitled

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,200,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH

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, Olmo, Schultz-Rummel, Spina

No - None

Absent - Council Member Savas

Abstain – None Resolution adopted.

Ordinance No. 22-08-1590 – 2022 "CAP" Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A 40A:4-45.14)

18. Motion at 7:46 PM by Council Member Olmo and seconded by Council Member Schultz-Rummel to introduce Ordinance No. 22-08-1590 on final reading by title only, 2022 "CAP" Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A 40A:4-45.14).

Roll Call: Yes – Council Members Cleary, Kaplan, Olmo, Schultz-Rummel, Spina

No – None

Absent - Council Member Savas

Abstain – None Motion adopted.

(Ordinance in full on page 76A in Minutes of Special Mayor and Council Meeting held May 11, 2022.)

- 19. The Borough Clerk announced the Ordinance was published in <u>The Record</u> on May 13, 2022, posted in Borough Hall, and copies made available to the public.
- 20. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
- 21. No one wished to be heard.
- 22. Motion by Council Member Olmo and seconded by Council Member Schultz-Rummel to close the public hearing.

Roll Call: Yes – Council Members Cleary, Kaplan, Olmo, Schultz-Rummel, Spina

No - None

Absent – Council Member Savas

Abstain – None Motion adopted.

23. Resolution by Council Member Olmo and seconded by Council Member Schultz-Rummel:

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. 22-08-1590, entitled:

2022 "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, Kaplan, Olmo, Schultz-Rummel, Spina

No - None

Absent – Council Member Savas

Abstain – None Resolution adopted.

NEW BUSINESS

INTRODUCTION OF ORDINANCE

Bond Ordinance No. 22-09-1591 – Amend Bond Ord. 21-21-1571- for the 2021 Road Improvement Program

24. Resolution by Council Member Olmo and seconded by Council Member Schultz-Rummel to amend the 2022 Temporary Capital Budget.

Roll Call: Yes – Council Members Cleary, Kaplan, Olmo, Schultz-Rummel, Spina

No - None

Absent – Council Member Savas

Abstain – None Resolution adopted.

(Resolution in full on pages 88A through 88B.)

25. Council Member Olmo announced receipt of Supplemental Debt Statement.

(Supplemental Debt Statement in full on pages 88C through 88G.)

26. Motion at 7:48 by Council Member Olmo and seconded by Council Member Schultz-Rummel to introduce Bond Ordinance No. 22-09-1591 on first reading by title only, Bond Ordinance to Appropriate an Additional Sum of \$100,000 for the Undertaking of Various Paving and Streetscape Improvements 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, Olmo, Schultz-Rummel, Spina

No - None

Absent - Council Member Savas

Abstain – None Motion adopted.

(Bond Ordinance in full on pages 88H through 88K.)

27. Resolution by Council Member Olmo and seconded by Council Member Schultz-Rummel:

BE IT RESOLVED that Ordinance 22-09-1591 entitled:

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$100,000 FOR THE UNDERTAKING OF VARIOUS PAVING AND STREETSCAPE IMPROVEMENTS 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.

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 15th day of June, 2022, at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Mayor and Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Roll Call: Yes – Council Members Cleary, Kaplan, Olmo, Schultz-Rummel, Spina

No - None

Absent – Council Member Savas

Abstain – None Resolution adopted.

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

CONSENT AGENDA

NEW BUSINESS

*Resolutions

- 29. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that James Minaya, MAI, 11A Rustic Circle, Montvale NJ 07645 be retained as appraiser for the Borough of Cresskill regarding the application for Open Space Grant Acquisition of 133 Grant Avenue, Cresskill NJ 07626 also known as Block 2 Lots 6 & 7 in the amount of \$775.00. The contract will be awarded without competitive bidding as a professional service under provisions of the Local Public Contract Law. This appointment is in accordance with N.J.S.A. 19:44A-20.8 in that where required the appointee has filed with the Borough a Business Entity Disclosure Certification.
- 30. BE IT RESOLVED that the following solicitor's licenses, which have been approved by the Chief of Police, be issued under the provisions of Chapter 140 of the Code of the Borough of Cresskill for the term ending December 31, 2022:

Aptive Environmental 5132 N 300 W Ste 150 Provo, UT 84604 Purpose: Pest Control Services

22-1025	22-1026	22-1027
Anthony Salem	Thane Balayan	Ransom Runnels
22-1028	22-1029	22-1030
Zane Wall	Matthew Wheeler	Dalton Sturrock
22-1031	22-1032	22-1033
Cooper Choi	Victoria Waggoner	Mariah Brown
22-1034	22-1035	22-1036
Caleb Lee	Carl Jackson	Trevor Sharp
22-1037	22-1038	22-1039
Jared Rosenvall	Tanner Sharp	Allen Small
22-1040 Natalie White	22-1041 Adam Turner	
93	Starr Win Project Inc. 30 Hauoli Street, Suite 101 Honolulu, HI 96826 Purpose: Film Scout	

22-1042 22-1043 22-1044 Michael Omatsu Takahiko Katayama Katsuakira Hoshi 31. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the following School Marshals be re-appointed for term of July 1, 2022 to June 30, 2023:

Yakov Shvartszayd Renee Morgan Yvonne Caldarulo Donna Smith Steve Schweitzer John Amicucci Lisa Langan Lauraine Bertero Zena (Zainab) Metwalli John Cook John Moran Kevin Morgan Richard Donahue John Morgan Bridget Roche Charles Dean Boris Karalnik Michael Gaeckle Edward Giesemann Goewoone Jung

32. 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 taxes:

TAX PERIOD	<u>BLOCK</u>	LOT QUAL	NAME	AMOUNT
2 nd qtr 2022	86	101	Cresskill 243 LLC 1 Dorchester Road Englewood Cliffs NJ 07632 (for: 243 E Madison Avenue)	\$ 3,226.00

33. WHEREAS, the Recreation Committee has scheduled various programs; and

WHEREAS, the following participant is unable to attend;

NOW, THEREFORE, BE IT RESOLVED that the recreation fee be returned to:

Pamela Graham (for: Morgan Graham) 11392 Rancho Villa Verde Place Las Vegas, NV 89138 Amount: \$150.00

34. SUPPORTING REVIEW AND REFORM OF OPRA

WHEREAS, the New Jersey Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., enacted in 2002, has been in effect long enough to review the impact on Municipalities; and

WHEREAS, it is the position of the Bergen County League of Municipalities (BCLOM), which represents all 70 municipalities in Bergen County, that OPRA can and must be improved upon to make it less onerous on municipalities and protect the safety and welfare of the public; and

WHEREAS, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who bombard municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

WHEREAS, municipalities are already required by state law to post and provide certain information and documentation on their municipal websites, including but not limited to, annual budgets, annual financial statements, annual audits, public meeting notices and meeting minutes; and

WHEREAS, under existing law, OPRA fees are woefully inadequate for the amount of time and effort needed to search for documents; it takes valuable time away from staff — not only in the Clerk's office — but also among other departments that may be involved in the same request; and

WHEREAS, OPRA has become broadly construed in favor of access and the requestor and, a requestor who prevails in any proceeding in appealing a denial of access is permitted to collect exorbitant attorney's fees; conversely, however, the resources and guidance available to record custodians and municipal counsel tasked with responding to such requests has narrowed drastically in the ever-changing OPRA arena, muddied by subsequent, voluminous and often-conflicting court decisions that contradict the original intent of the law and will continue to do so in the absence of necessary legislative reform; and

WHEREAS, OPRA law allows outside businesses, and activist groups to utilize municipal time and services for marketing leads or private commercial gain, and for litigants to use OPRA as a method of discovery; and

WHEREAS, a clear distinction needs to be made between individual and commercial and discovery requests; and

WHEREAS, serious concerns about breaches or misuse of personal information exist along with the potential for OPRA to be exploited and abused by requestors, as a threat, harassment, or retaliatory measure to bury local governments in hundreds of requests, not necessarily because the requested records are of any particular interest, but merely because they can and have been emboldened by the courts to do so, to the significant detriment of all other municipal business; and

WHEREAS, most importantly, OPRA must be reformed to enable municipalities, their respective record custodians and legal counsels to protect the safety and welfare of the general public;

WHEREAS, over the years, court decisions have chipped away at the reasonable expectation of privacy provision of the law, thus allowing the law to be molded and wielded as a tool that severs any sensible balance of transparency, and instead, now perpetuates rampant and dangerous degrees of for-profit data-mining, unsolicited marketing and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, and all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

WHEREAS, the pandemic has resulted in a startling and exponential rise in fraud and identity theft, crimes that were already notoriously difficult to investigate, track and prosecute; OPRA, left unchecked and unreformed, continues to add fuel to this already dangerous fire; and

WHEREAS, in a most reprehensible instance in the midst of the pandemic, the unthinkable happened when the young son of a U.S. District Court Judge was senselessly killed by an individual who had managed to compile a dossier of personal information about the Judge including a home address, ushering in the passage of Daniel's Law; and

WHEREAS, while this law as intentioned provides for necessary strides and long overdue amendments to OPRA, the scope of protection provided is critically deficient, the implementation creates challenges for custodians and municipal officials that remain unaddressed by law, with limited channels for guidance, while the vast remainder of the Open Public Records Act continues to be left recklessly unreformed, potentially leaving any officials not covered under Daniel's Law or even, the general public at-large exposed to the whim of any nefarious OPRA requestor lurking in the shadows of those demanding transparency at any cost;

WHEREAS, Assembly Bill No. 4894, introduced January 17, 2019, calling for the creation of a study commission to review OPRA, to-date, has been left negligently stagnant and, to-date the legislative approach to addressing the dangers of OPRA have been fragmented, haphazard and contradictory at best, leading to a dire need for streamlined overhaul and reform, which, at a minimum should include the following:

• Immediate creation of a study commission on OPRA.

- Uniformity under the law: municipalities shall not be subject to any provision under OPRA that the legislature or other state agencies are, by contrast, exempt from.
- Provide a universal platform for clear and concise guidance for records custodians.
 Such guidance should be in place prior to any laws that impact OPRA going into effect.
- Require that official OPRA Request forms be used in order to be considered valid, including certifications by the requestor of (1) non-conviction of an indictable offense and (2) that information obtained will not be used for profit, solicitation, marketing or commercial gain, or published as part of a separate internet database or search engine.
- Prohibit OPRA requestors from remaining anonymous.
- Require that requestors provide a State of New Jersey address in order to be valid (OPRA should not apply to out-of-state requests).
- Prohibit requests for commercial purposes.
- Exempt email addresses (also serves as a deterrent to spoofing, phishing and other cyber scams and crimes).
- Exempt information maintained for emergency notification purposes.
- Exempt any information related to minor individuals, disabled persons and senior citizens as well as classes of citizens who are vulnerable to exploitation of their information.
- Exempt personal identifying information from Motor Vehicle Accident Reports, including driver's license numbers, dates of birth (DOBs), home addresses, VINs and registration/plate numbers, unless the requestor is a subject of the record, or their designated legal or insurance representative.
- Exempt pet license information to a need-to-know basis only (health department, police department, veterinarian of record, hospital, bite victim) to deter rising pet thefts and potential for targeted thefts of non-large-breed dog owners.
- Reaffirm exemption of unlisted telephone numbers, including personal cell phones.
- Exempt property owner names, CAMA Data and reaffirm the exemption of property record cards.
- Protections afforded under Daniel's Law should be afforded to all government officials, employees, volunteers and members of the general public as the threats from the disclosure of personal information is not unique to those rightfully protected under Daniel's Law.
- Provide a carve out for fee-shifting where a municipality in good faith and without clear guidance through Statute or case law denies a request or redacts information which could reasonably be interpreted as not subject to disclosure.

NOW, THEREFORE BE IT RESOLVED, that the BCLOM finds it imperative that the New Jersey Senate and Assembly review and reform the New Jersey Open Public Records Act.

BE IT FURTHER RESOLVED, that copies of this resolution are sent to all New Jersey State Legislators, the New Jersey State League of Municipalities, the New Jersey Municipal Clerks' Association, the Bergen County Municipal Clerks' Association, the New Jersey State Association of Chiefs of Police and the Bergen County Police Chiefs' Association.

35. WHEREAS, cash escrow deposits have been paid to the Borough of Cresskill for legal fees in connection with Zoning Board applications for variances within the Borough of Cresskill; and

WHEREAS, the applications have been heard and approved by the Zoning Board of Adjustment; and

WHEREAS, balances remain in the escrow accounts which are no longer required;

NOW, THEREFORE, BE IT RESOLVED that the following balances in the Trust Accounts be refunded:

ESCROW #	<u>NAME</u>	<u>AMOUNT</u>
ZE 502	Zim Zum Inc. 17 Heather Hill Court Cresskill, NJ 07626 (for: 70 Heather Hill Road)	\$10.00
ZE 510	Terri Augustine 74 Hillside Avenue Cresskill, NJ 07626	\$10.00
ZE 509	Peter & Dana Luppino 66 Pershing Place Cresskill, NJ 07626	\$10.00
ZE 508	Avi Bacalu 300 County Road Cresskill, NJ 07626	\$10.00
ZE 512	Jason Bender 85 Grant Avenue Cresskill, NJ 07626	\$10.00

36. WHEREAS, On June 11, 2022, Akshay Nair will be honored at a Court of Honor arranged by Boy Scout Troop 1345 of Dumont, New Jersey to present an Eagle Award to him; and

WHEREAS, the Eagle Award represents the highest rank in Scouting and is awarded only to those recipients who have given many years of devotion to the principles of the Boy Scout movement; and

WHEREAS, Akshay's Eagle Scout project was constructing and installing bat houses on the trees along the Tenakill and in Eisenhower Park to help control mosquitos.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that Akshay Nair be, and hereby is, commended for attaining this recognition of his achievement.

37. 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 91.04, Lot 21 for 2019 and 2020:

	<u>2019</u>	<u>2020</u>
Original Assessment:	\$ 1,919,000.00	\$ 1,897,500.00
Tax Court Judgment:	\$ 1,800,000.00	\$ 1,850,000.00
Decrease in Assessment:	\$ 119,000.00	\$ 47,500.00
Tax Rate:	2.407	2.432
Tax Refund:	\$ 2,864.33	\$ 1,155.20

Total: \$ 4,019.53

Check to: Spiotti & Associates

P.O. Box 30

Midland Park, NJ 07432 (for: 16 Loman Court)

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

- 38. No one wished to be heard.
- 39. 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.

40. 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.

41. 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

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

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

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.]

43. Edward Wrixon, 17 Melville Road, Hillsdale said I want to take a moment and thank the Mayor and Council, current and past. Without your support I could not have been as successful as I was. I also want to thank everyone I've worked with throughout my career.

School Supt. Mike Burke thanked the Mayor and Council, retired Chief Wrixon and Chief Domville for all their support.

Mayor Romeo said we are in complete support of having a police presence in each school. We will start a task force and want to have this in place for September.

No one else wished to be heard.

44.	to close the meeting and adjourn.			Cleary
	All in Favor.	None Opposed.	Motion adopted.	
Bened	dict Romeo			
Mayo	or			
			Francesca Maragliano Borough Clerk	