

## BOROUGH OF CRESSKILL

## MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

AUGUST 10, 2022

1. Jason Mitchell led the Salute to the Flag and Pledge of Allegiance.
2. The Deputy 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 7:44 P.M.
4. Present: Council Members Cleary, Kaplan, Olmo, Savas, Schultz-Rummel, Spina  
Also Present: Attorney Diktas, Chief Domville
5. Motion by Council Member Olmo and seconded by Council Member Savas to approve the minutes of the Mayor and Council Regular meeting of July 13, 2022.

All in Favor. None Opposed.

Motion adopted.

## COMMUNICATIONS

6. Minutes of the following meeting:

Planning Board

July 12, 2022

Filed.

## REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Spina said the program "Cresskill Cares" is back in town located at the Congregational Church next door.

Council Member Savas said summer camp is finished. It was a great season with 260 kids. The gym floor is complete, and we have a band event on August 21<sup>st</sup>.

The library hired two additional staff members for Sunday hours and begin the Sunday after Labor Day. Bid documents for the library interior construction are being prepared and should be complete mid-September. We are looking for temporary space to operate during construction.

Council Member Olmo said everything at the pool is going well and our dive team did very well.

Council Member Kaplan said the plaque for the 911 Memorial is in the process of being created.

## UNFINISHED BUSINESS

## ORDINANCE ON FINAL READING

Ordinance No. 22-10-1592 – Amend Chapter 202-13 Property Maintenance, Residential and Non-Residential Enforcement.

8. Motion at 7:49 PM by Council Member Schultz-Rummel and seconded by Council Member Savas to hear Ordinance No. 22-10-1592 on final reading by title only, An Ordinance Amending Chapter 202 Property Maintenance, Residential and Non-Residential, Specifically, Amending §202-13 Enforcement, Part (E).

Roll Call: Yes – Unanimous Motion adopted.

(Ordinance in full on page 110A in Minutes of Regular Mayor and Council Meeting held July 13, 2022.)

9. The Deputy Borough Clerk announced the Ordinance was published in The Record on July 15, 2022, 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. Mayor Romeo said this ordinance is being rewritten because there are quite a few houses where the property isn't being maintained.

No one else wished to be heard.

12. Motion by Council Member Schultz-Rummel and seconded by Council Member Olmo to close the public hearing.

Roll Call: Yes – Unanimous Motion adopted.

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

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. 22-10-1592, entitled:

ORDINANCE AMENDING CHAPTER 202 PROPERTY MAINTENANCE, RESIDENTIAL AND NONRESIDENTIAL, SPECIFICALLY, AMENDING §202-13 ENFORCEMENT, PART (E)

pass its second and final reading, is hereby adopted and shall be published according to law.

Roll Call: Yes – Unanimous Resolution adopted.

Ordinance No. 22-11-1593 – Amend Chapter 192 Parks and Recreation Areas.

14. Motion at 7:51 PM by Council Member Savas and seconded by Council Member Olmo to hear Ordinance No. 22-11-1593 on final reading by title only, Ordinance amending the General Ordinances of the Borough of Cresskill, Specifically Chapter 192, Parks and Recreation Areas.

Roll Call: Yes – Unanimous Motion adopted.

(Ordinance in full on pages 110B through 110C in Minutes of Regular Mayor and Council Meeting held July 13, 2022.)

15. The Deputy Borough Clerk announced the Ordinance was published in The Record on July 15, 2022, posted in Borough Hall, and copies made available to the public.
16. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
17. Mayor Romeo said this is to regulate the use of our facilities for private lessons.

No one else wished to be heard.

18. Motion by Council Member Savas and seconded by Council Member Olmo to close the public hearing.

Roll Call: Yes – Unanimous Motion adopted.

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

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. 22-11-1593, entitled:

ORDINANCE AMENDING THE GENERAL ORDINANCES OF THE BOROUGH OF CRESSKILL, SPECIFICALLY CHAPTER 192, PARKS AND RECREATION AREAS

pass its second and final reading, is hereby adopted and shall be published according to law.

Roll Call: Yes – Unanimous Resolution adopted.

Ordinance No. 22-12-1594 – Amend the General Legislation Chapter 114 Entitled Fees, Fines, Costs for all Monetary Payment Requirements.

20. Motion at 7:53 PM by Council Member Savas and seconded by Council Member Olmo to hear Ordinance No. 22-12-1594 on final reading by title only, Ordinance Amending the General Ordinances of the Borough of Cresskill, Chapter 114 Specifically Regarding Amending all Fees, Fines and Costs for all Monetary Payment Requirements.

Roll Call: Yes – Unanimous Motion adopted.

(Ordinance in full on page 111A in Minutes of Regular Mayor and Council Meeting held July 13, 2022.)

21. The Deputy Borough Clerk announced the Ordinance was published in The Record on July 15, 2022, posted in Borough Hall, and copies made available to the public.
22. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
23. Mayor Romeo said this is so fee changes can be made by resolution rather than by ordinance. It's more cost effective and quicker.

No one else wished to be heard.

24. Motion by Council Member Savas and seconded by Council Member Olmo to close the public hearing.

Roll Call: Yes – Unanimous Motion adopted.

25. Resolution by Council Member Savas and seconded by Council Member Olmo:

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. 22-12-1594, entitled:

ORDINANCE AMENDING THE GENERAL ORDINANCES OF THE BOROUGH OF CRESSKILL, CHAPTER 114 SPECIFICALLY REGARDING AMENDING ALL FEES, FINES, AND COSTS FOR ALL MONETARY PAYMENT REQUIREMENTS

pass its second and final reading, is hereby adopted and shall be published according to law.

Roll Call: Yes – Unanimous Resolution adopted.

Ordinance No. 22-13-1595 – Amend the General Legislation Codifying the Municipal Open Space Recreation, Farmland and Historic Preservation Trust Fund.

26. Motion at 7:54 PM by Council Member Schultz-Rummel and seconded by Council Member Savas to hear Ordinance No. 22-13-1595 on final reading by title only, Ordinance Codifying Referendum Results and Creating the Municipal Open Space Recreation & Farmland and Historic Preservation Trust Fund.

Roll Call: Yes – Unanimous Motion adopted.

(Ordinance in full on pages 112A through 112B in Minutes of Regular Mayor and Council Meeting held July 13, 2022.)

27. The Deputy Borough Clerk announced the Ordinance was published in The Record on July 15, 2022, posted in Borough Hall, and copies made available to the public.
28. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
29. Mayor Romeo said this is codifying our previous resolutions of 2005 into an ordinance.
- No one else wished to be heard.
30. Motion by Council Member Schultz-Rummel and seconded by Council Member Olmo to close the public hearing.

Roll Call: Yes – Unanimous Motion adopted.

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

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. 22-13-1595, entitled:

ORDINANCE CODIFYING REFERENDUM RESULTS AND CREATING THE MUNICIPAL OPEN SPACE RECREATION & FARMLAND AND HISTORIC PRESERVATION TRUST FUND

pass its second and final reading, is hereby adopted and shall be published according to law.

Roll Call: Yes – Unanimous Resolution adopted.

Ordinance No. 22-14-1596 – Amend Chapter 101-3 Uniform Construction Code Fees.

32. Motion at 7:56 PM by Council Member Schultz-Rummel and seconded by Council Member Savas to hear Ordinance No. 22-14-1596 on final reading by title only, An Ordinance Amending Chapter 101-3 Uniform Construction Code Fees.

Roll Call: Yes – Unanimous Motion adopted.

(Ordinance in full on pages 112C through 112J in Minutes of Regular Mayor and Council Meeting held July 13, 2022.)

33. The Deputy Borough Clerk announced the Ordinance was published in The Record on July 15, 2022, posted in Borough Hall, and copies made available to the public.
34. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
35. Mayor Romeo said this is to bring our construction code fees up to date.

No one else wished to be heard.

36. Motion by Council Member Schultz-Rummel and seconded by Council Member Olmo to close the public hearing.

Roll Call: Yes – Unanimous Motion adopted.

37. Resolution by Council Member Schultz-Rummel and seconded by Council Member Savas:

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. 22-14-1596, entitled:

AN ORDINANCE AMENDING CHAPTER 101-3 UNIFORM CONSTRUCTION  
CODE FEES

pass its second and final reading, is hereby adopted and shall be published according to law.

Roll Call: Yes – Unanimous Resolution adopted.

## NEW BUSINESS

### INTRODUCTION OF ORDINANCE

Ordinance No. 22-15-1597 – Amend Chapter 80 Animals, Specifically Adding Article II Other Animals.

38. Motion at 7:58 PM by Council Member Schultz-Rummel and seconded by Council Member Savas to introduce Ordinance No. 22-15-1597 – Amend Chapter 80 Animals, Specifically Adding Article II, Ch. 80-33 Other Animals on first reading by title only.

Roll Call: Yes – Unanimous Motion adopted.

(Ordinance in full on pages 129A through 129D.)

39. Resolution by Council Member Schultz-Rummel and seconded by Council Member Savas:

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. 22-15-1597, entitled:

AN ORDINANCE AMENDING CHAPTER 80 ANIMALS, SPECIFICALLY  
ADDING ARTICLE II, CH. 80-33 OTHER ANIMALS

does now pass on first reading and remain on file with the Borough Clerk for public inspection until public hearing thereon and further consideration thereof.

Such hearing shall be held at the Borough Hall in Cresskill on Wednesday, September 7, 2022 at 7:00 P.M., or as soon thereafter as it can be reached, at which time and place all persons interested in said ordinance will be heard.

The Borough Clerk is hereby directed to publish said ordinance according to law, with the notice of hearing thereon, in an official newspaper according to law, also to mail copies of said ordinance when and as required by law.

Roll Call: Yes – Unanimous Resolution adopted.

40. Deputy Borough Clerk McKim explained all items on the Consent Agenda.

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## CONSENT AGENDA

## NEW BUSINESS

\*Resolutions

41. WHEREAS, Robert Karach, Assistant Superintended of the Cresskill DPW, was eligible to participate in Ordinance 20-17-1567 and retire during the calendar year of 2021; and

WHEREAS, the Council requested Robert Karach defer his retirement, and remain in his position, in order to assist the DPW during its interim transition period; and

WHEREAS, Ordinance 20-17-1567 had a sunset date of June 30, 2021, wherein Robert Karach would have been eligible to participate, if for not the Council's request he remain.

NOW THEREFORE, BE IT RESOLVED, that the Council does hereby grant Robert Karach the right to obtain the benefits outlined in Ordinance # 20-17-1567.

BE IT FURTHER RESOLVED, that a certified to be true copy of this Ordinance be served upon: Alison Altano, CFO; James Noseworthy, Superintendent DPW; Francesca Maragliano, Borough Clerk; and Christos J. Diktas, Borough Attorney

42. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that pursuant to the recommendation of the Library Board of Trustees, the following part time employments be made:

Elizabeth Dunkelman	P/T Circulation Asst.	\$22.50/per hour	Eff. Sept. 11, 2022
Soon Yeun Yi	P/T Circulation Asst.	\$22.50/per hour	Eff. Sept. 18, 2022

43. 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:

Anat Haramati (for: Danny Haramati) 56 Churchill Road Cresskill, NJ 07626 Amount: \$475.00	Jennifer Kwon (for: Leo Seo) 2212 Tenakill Park East Cresskill, NJ 07626 Amount: \$756.25
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44. RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY  
VIA ON-LINE AUCTION

WHEREAS, the Borough of Cresskill is the owner of certain surplus 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.

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

1. The sale of 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 is available online at govdeals.com and also available from the Borough of Cresskill.
2. The sale will be conducted online and the address of the auction is govdeals.com.
3. The sale is being conducted pursuant to Local Finance Notice 2008-9.

- 4. A list of the surplus property to be sold is indicated on Schedule A attached hereto.
  - 5. 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.
  - 6. The Borough of Cresskill reserves the right to accept or reject any bid submitted.
45. WHEREAS, James Domville has requested that the Council commence contract negotiations for the position of Chief of Police; and

WHEREAS, the Borough of Cresskill is a municipal corporation and body politic organized pursuant to the laws of New Jersey; and

WHEREAS, James Domville was appointed to the position of Chief of Police of the Borough of Cresskill by its Mayor and Council at the June 1, 2022 meeting; and

WHEREAS, the Borough of Cresskill has determined that it is in the public’s interest to enter into an employment contract with James Domville for the services of Chief of Police;

NOW, THEREFORE, BE IT RESOLVED, that the Council does hereby authorize Mayor Benedict Romeo or his Designee to negotiate and execute the Contract with James Domville, for the position of Chief of Police.

BE IT FURTHER RESOLVED, that a Certified to be True Copy of this Resolution be served upon James Domville, Police Chief; Francesca Maragliano, Borough Clerk; and Alison Altano, CFO.

- 46. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following July 2022 payrolls be ratified and approved:

<u>July 1, 2022</u>	
Current Fund	386,885.41
Pool	14,049.46
Community Center	4,780.74
Library	<u>14,412.91</u>
	\$ 420,128.52

<u>July 15, 2022</u>	
Current Fund	359,803.62
Pool	22,655.59
Community Center	5,511.68
Library	<u>14,123.65</u>
	\$ 402,094.54

<u>July 29, 2022</u>	
Current Fund	406,480.53
Pool	34,907.13
Community Center	5,369.58
Library	<u>14,377.11</u>
	\$ 461,134.35

- 47. BE IT RESOLVED, as recommended by the Municipal Pool Commission, that the following refunds be authorized from the Municipal Swim Club Account:

Naama Dickson	Abhiraman Anantharaman
274 Brookside Avenue	38 Willis Avenue
Cresskill, NJ 07626	Cresskill, NJ 07626
Amount: \$120.00	Amount: \$60.00

48. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following employees be promoted and approved in the Public Works Department, effective August 29, 2022, in accordance with Ordinance No. 20-07-1557:

<u>NAME</u>	<u>TO</u>
William Richardson	Foreman
James Kraus	Foreman

49. WHEREAS, the Borough of Cresskill (“Cresskill”) is agreeable to entering into a Leaf Grinding Agreement with the Borough of Alpine and Organic Recycling, Inc. for the grinding of all leaves generated and collected by the Boroughs of Cresskill and Alpine; and

WHEREAS, Organic Recycling, Inc. has proposed a five (5) year agreement, commencing October 17, 2022, to grind the autumn leaves collected from within the boundaries of the Borough of Cresskill and the Borough of Alpine and truck away the leaf compost once all leaves have been composted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Mayor is hereby authorized to enter into a Leaf Grinding Agreement with Organic Recycling, Inc. and the Borough of Alpine (or its municipal officials), subject to the receipt of a similar Resolution by the Mayor & Council of the Borough of Alpine.

50. WHEREAS, Zheng Xiangye & Caihong Zhang (“Plaintiffs”) are the property owners-taxpayers for real estate known as Block 210 Lot 12 and better known as 63 Eisenhower Drive, Cresskill, New Jersey 07626 (the “Property”); and

WHEREAS, Plaintiffs have made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for the years; and

WHEREAS, the Mayor and Council are satisfied that after due consideration and analysis, the settlement as set forth below, is reasonable and in the Borough’s best interest.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Cresskill, that the adjustment of the assessments of the Property specified below be and is hereby ratified as follows:

**Tax Year: 2018**

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	569,000		569,000
Improvements	1,134,800		1,106,000
Total	1,703,800		1,675,000

**Tax Year: 2019**

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	576,500		569,000
Improvements	1,113,200		1,106,000
Total	1,689,700		1,675,000

**Tax Year: 2020**

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	579,000		579,000
Improvements	1,076,800		1,076,800
Total	1,655,800		1,655,800



**Tax Year: 2021**

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	581,500		581,500
Improvements	1,007,900		1,007,900
Total	1,589,400		1,589,400

BE IT FURTHER RESOLVED, that Christos J. Diktas, Esq., of Diktas Gillen, P.C., be and hereby are, authorized to execute the Stipulation of Settlement memorializing the settlement of the matter on behalf of the Borough of Cresskill; and

BE IT FURTHER RESOLVED that the proper officials be, and hereby are authorized to make the necessary adjustments to the assessments.

51. 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 210, Lot 12 for 2018 & 2019:

	<u>2018</u>	<u>2019</u>
Original Assessment:	\$ 1,703,800.00	\$ 1,689,700.00
Tax Court Judgment:	\$ 1,675,000.00	\$ 1,675,000.00
Decrease in Assessment:	\$ 28,800.00	\$ 14,700.00
Tax Rate:	<u>2.399</u>	<u>2.407</u>
Tax Refund:	\$ 690.91	\$ 353.83
Total:	\$ 690.91	\$ 353.83

Check to: Jennifer R. Jacobus, Esq.  
 Attorney for Xiangye, Zheng & Zhang Caihong  
 201 Littleton Road, Suite 100  
 Morris Plains, NJ 07950

52. WHEREAS, the Mayor and Council of the Borough of Cresskill on May 18, 2022 adopted Resolution No. 5 awarding a bid for the Reconstruction of Union Avenue Street Scapes to Zuccaro, Inc. in the amount of \$729,812.00; and

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

WHEREAS, the Borough Engineer, Azzolina & Fuery by way of letter dated August 9, 2022 (a copy of which is attached) has certified that the work is completed as stated and recommends progress payment #1 in the amount of \$176,041.51; 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 #1 to Zuccaro, Inc. in the amount of \$176,041.51.

Payment No. 1

CR-991 – Reconstruction of Union Avenue Street Scapes

Value Work Completed to Date	\$ 179,634.19
Less: 2% Retainage	\$ 3,592.68
Less: Amount Previously Paid	<u>\$ 0.00</u>
Total Amount Due	\$ 176,041.51

Amount due progress Payment #1 \$ 176,041.51

53. WHEREAS, the Mayor and Council of the Borough of Cresskill on July 13, 2022 adopted Resolution No. 3 awarding a bid for the 2022 Road Resurfacing Program to American Asphalt and Trucking LLC in the amount of \$470,045.76; and

WHEREAS, American Asphalt and Trucking, LLC has requested payment for the current work completed to date; and

WHEREAS, the Borough Engineer, Azzolina & Fuery by way of letter dated August 9, 2022 (a copy of which is attached) has certified that the work is completed as stated and recommends progress payment #1 in the amount of \$140,657.71; 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 #1 to American Asphalt and Trucking LLC in the amount of \$140,657.71.

Payment No. 1  
CR-1034 – 2022 Road Resurfacing Program

Value Work Completed to Date	\$ 143,528.28
Less: 2% Retainage	\$ 2,870.57
Less: Amount Previously Paid	\$ 0.00
<hr/> Total Amount Due	<hr/> \$ 140,657.71
 Amount due progress Payment #1	 \$ 140,657.71

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

54. No one wished to be heard.

55. 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.

56. 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 Deputy 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.

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

Roll Call: Yes – Unanimous Motion adopted.

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PRESENTATION OF BILLS

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

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

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.]

59. Chief Domville distributed and provided a summary of his monthly report to the Mayor and Council and asked for any feedback.  
Our search for Special Law Enforcement Officers (SLEO) is going well.  
I've received many compliments about Supt. Noseworthy and the DPW for the landscaping work they've done at the Borough Hall.  
Sadly, one of our former Police Officers Kevin Konopka passed away this week.

No one else wished to be heard.

60. Motion at 8:02 P.M. by Council Member Olmo and seconded by Council Member Cleary to close the meeting and adjourn.

All in Favor. None Opposed.

Motion adopted.

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Benedict Romeo  
Mayor

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Patricia McKim  
Deputy Borough Clerk