

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETINGAPRIL 6, 2022

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 7:43 P.M.
4. Present: Council Members Cleary, Kaplan, Savas, Schultz-Rummel, Spina
Also Present: Attorney Diktas, Chief Wrixon, Deputy Chief Domville, Jason Mitchell
Absent: Council Member Olmo
5. Motion by Council Member Schultz-Rummel and seconded by Council Member Savas to approve the minutes of the Mayor and Council Regular meeting of March 16, 2022.

All in Favor. None Opposed.

Motion adopted.

COMMUNICATIONS

6. Minutes of the following meetings:

Board of Health
Planning Board

January 18, 2022
March 8 & 22, 2022

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Spina said the CEC met with the Northern Valley Greenway and Assemblywoman Shama Haider who gave an update on the project.
Bill Celentano of the CEC is going to give an update on the plastic bag ban at the Senior Center on Monday, April 11th.

Council Member Savas said everyone had a great time at the Easter egg hunt and parade.

Council Member Kaplan said the Army Corp. of Engineers have approved the study of the Tenakill.

UNFINISHED BUSINESS

ORDINANCE ON FINAL READING

Ordinance No. 22-04-1586 – Amend Salary Ordinance No. 22-01-1583 for the Year 2022

8. Motion at 7:46 PM by Council Member Schultz-Rummel and seconded by Council Member Savas to introduce Ordinance No. 22-04-1586 on final reading by title only, An Ordinance to Amend Salary Ordinance No. 22-01-1583 to Fix the Salaries, Wages, Compensation and other Terms of Employment of Certain Positions of the Borough of Cresskill for the Calendar Year 2022.

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

(Ordinance in full on page 42A in Minutes of Regular
 Mayor and Council Meeting held March 16, 2022.)

9. The Borough Clerk announced the Ordinance was published in The Record on March 21, 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. No one wished to be heard.
12. Motion by Council Member Schultz-Rummel and seconded by Council Member Savas to close the public hearing.

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

13. 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. 22-04-1586, entitled:

AN ORDINANCE TO AMEND SALARY ORDINANCE NO. 22-01-1583 TO FIX THE
 SALARIES, WAGES, COMPENSATION AND OTHER TERMS OF EMPLOYMENT OF
 CERTAIN POSITIONS OF THE BOROUGH OF CRESSKILL FOR THE CALENDAR
 YEAR 2022

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

Roll Call: Yes – Council Members Cleary, Kaplan, Savas, Schultz-Rummel, Spina
 No - None
 Absent – Council Member Olmo
 Abstain – None
 Resolution adopted.

Ordinance No. 22-05-1587 – An Ordinance Establishing Chapter 141 Entitled Mobile Food Vendors

14. Motion at 7:48 PM by Council Member Savas and seconded by Council Member Cleary to introduce Ordinance No. 22-05-1587 on final reading by title only, An Ordinance by the Borough of Cresskill in the County of Bergen, State of New Jersey Establishing Chapter 141 Entitled Mobile Food Vendors.

Roll Call: Yes – Unanimous Motion adopted.

(Ordinance in full on pages 42B through 42G in Minutes of Regular
 Mayor and Council Meeting held March 16, 2022.)

15. The Borough Clerk announced the Ordinance was published in The Record on March 21, 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. No one wished to be heard.
18. Motion by Council Member Savas and seconded by Council Member Cleary to close the public hearing.

Roll Call: Yes – Unanimous Motion adopted.

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

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. 22-05-1587, entitled:

AN ORDINANCE BY THE BOROUGH OF CRESSKILL IN THE COUNTY OF
BERGEN, STATE OF NEW JERSEY ESTABLISHING CHAPTER 141 ENTITLED
MOBILE FOOD VENDORS

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

Bond Ordinance No. 22-06-1588 – Multipurpose Bond Ordinance

20. Resolution by Council Member Schultz-Rummel and seconded by Council Member Cleary to approve the 2022 Temporary Capital Budget.

Roll Call: Yes – Council Members Cleary, Kaplan, Savas, Schultz-Rummel, Spina
No - None
Absent – Council Member Olmo
Abstain – None
Resolution adopted.

(Resolution in full on pages 51A through 51B.)

21. Council Member Schultz-Rummel announced receipt of Supplemental Debt Statement.

(Supplemental Debt Statement in full on pages 51C through 51G.)

22. Motion at 7:50 PM by Council Member Schultz-Rummel and seconded by Council Member Cleary to introduce Bond Ordinance No. 22-06-1588 on first reading by title only, Bond Ordinance to Authorize the Making of Various Public Improvements and the Acquisition of New Additional or Replacement Equipment and Machinery, New Communication and Signal Systems Equipment, New Information Technology Equipment and a New Automotive Vehicle, including Original Apparatus and Equipment, in, by and for the Borough of Cresskill, in the County of Bergen, State of New Jersey, to Appropriate the Sum of \$700,000 to Pay the Cost thereof, to Appropriate Borough Reserve Funds, 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, Savas, Schultz-Rummel, Spina
No - None
Absent – Council Member Olmo
Abstain – None
Motion adopted.

(Bond Ordinance in full on pages 51H through 51N.)

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

BE IT RESOLVED that Ordinance 22-06-1588 entitled:

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$700,000 TO PAY THE COST THEREOF, TO APPROPRIATE BOROUGH RESERVE FUNDS, 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.

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 20th day of April, 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, Savas, Schultz-Rummel, Spina
 No - None
 Absent – Council Member Olmo
 Abstain – None
 Resolution adopted.

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

CONSENT AGENDA

NEW BUSINESS

*Resolutions

25. BE IT RESOLVED that the following solicitor's license, which has 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:

Home Run Ice Cream
 25 South Prospect Avenue
 Bergenfield, NJ 07621
 Purpose: Ice Cream Sales
 #22-1022 – George A. Corbo

26. WHEREAS, the Council on September 7, 2016 awarded the Construction Contract for the project known as Third Street Recreational Complex - Walking Trail, to Your Way Construction Inc.; and

WHEREAS, Your Way Construction Inc. has requested final payment for the work completed; and

WHEREAS, the Engineer, Azzolina & Feury, Inc. by way of letter dated March 25, 2022 (a copy of which is attached) has certified that the work is completed as stated and recommends final payment # 6 in the amount of \$12,894.38; 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 final payment #6 to Your Way Construction Inc. in the amount of \$12,894.38.

Payment No. 6 (FINAL)
Project No. CR-739

Original Contract Amount	\$	642,689.70
<u>Less Retainage 2% Withheld</u>	\$	<u>12,894.38</u>
Subtotal	\$	0.00

Total Amount due Payment #6 (Final)	\$	12,894.38
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27. WHEREAS, as a result of the COVID-19 virus and various other health issues affecting the municipality, the Borough requires the services of a medical licensed physician; and

WHEREAS, John Morgan, MD, has volunteered extensive services through the Board of Health to the Borough at no charge; and

WHEREAS, the scope of the duties of the Board of Health and the requirements placed on Dr. Morgan have significantly increased;

WHEREAS, the Council is of the opinion that the Borough requires the full-time services of an on-call physician; and

NOW, THEREFORE, BE IT RESOLVED, the Council appoints John Morgan, MD as municipal physician; and

BE IT FURTHER RESOLVED, Dr. Morgan's salary as an on-call physician with the Board of Health and Borough shall be \$40,000.00 per year; and

BE IT FURTHER RESOLVED, that the Borough Attorney has been directed to prepare a Professional Services Contract between the Municipality and John Morgan, MD; and

BE IT FURTHER RESOLVED, that this Resolution authorizes Mayor Benedict Romeo or Borough Administrator, Edward Wrixon, to execute the professional services contract;

BE IT FURTHER RESOLVED, that a Certified to be True Copy of this Resolution be served upon John Morgan, MD, and the Borough Attorney.

28. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that Francesca Maragliano is hereby appointed and directed to serve as Deputy Administrator effective April 6, 2022, in accordance with the Salary Ordinance No. 22-04-1586.

29. WHEREAS, application has been made by Kiwami, LLC, T/A Jugemu, 156 Piermont Road, Cresskill, New Jersey, for a person-to-person transfer of Plenary Retail Consumption License No. 0208-33-001-004; and

WHEREAS, the said applicant has complied with all applicable requirements of the Statutes of New Jersey; and

WHEREAS, no written objections to this transfer have been received; and

WHEREAS, the applicant has disclosed, and the authority reviewed, the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the authority has received a written statement under oath, affirming that the transferee is aware there are no obligations outstanding to the New Jersey alcoholic beverage manufacturers, wholesalers, and distributors;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following transfer license be approved:

<u>APPLICANT</u>	<u>T/A</u>
Kiwami, LLC License No. 0208-33-001-004	Jugemu 156 Piermont Road Cresskill, NJ 07626

30. 2022 TEMPORARY BUDGET

WHEREAS, an emergent condition has arisen with respect to various Appropriations listed below and no adequate provision has been made in the 2022 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, said total emergency temporary resolutions adopted in the year 2022 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$ 2,332,500.00 and

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. The following temporary appropriations be and the same are hereby made for:

OPERATIONS - WITHIN CAPS

Police School Marshalls	
Salaries and Wages	40,000.00
Planning Board	
Salaries and Wages	1,500.00
Police Department	
Salaries and Wages	200,000.00
Fire Department	
Salaries and Wages	60,000.00
Public Health Services	
Salaries and Wages	3,000.00
Welfare/Administration Services	
Salaries and Wages	2,000.00
Natural Gas	
Other Expenses	25,000.00
Social Security	5,000.00
	Total
	\$336,500.00

2. That said emergency temporary appropriations will be provided for in the 2022 budget under the various titles listed above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

Benedict Romeo, Mayor

Francesca Maragliano, Borough Clerk

31. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following March and April 2022 payrolls be ratified and approved:

<u>March 25, 2022</u>	
Current Fund	\$ 332,113.80
Community Center	2,383.37
Library	<u>14,260.48</u>
	\$ 348,757.56
 <u>April 8, 2022</u>	
Current Fund	\$ 313,098.46
Community Center	2,719.24
Library	<u>14,327.18</u>
	\$ 330,144.88

32. 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.
33. Authorize Transfer and Development Agreement between the Borough of Cresskill, Bergen County United Way and Madeline Housing Partners, LLC

WHEREAS, the Borough of Cresskill has had negotiation sessions with the Bergen County United Way for the Construction and Transfer of Title of the Parcel of property commonly known as Block 83 Lots 93-109 (hereinafter referred to as “the Property”), Madison Avenue, Cresskill, for utilization; and

WHEREAS, the Contract has been prepared by the Borough Attorney’s Office, and accepted by the Attorneys for the Bergen County United Way, and Madeline Housing Partners, LLC, confirming the construction and transfer of the Property; and

WHEREAS, all amendments have been accepted by the Borough Attorney on behalf of the Borough of Cresskill.

NOW THEREFORE, BE IT RESOLVED, that the Council does hereby authorize Mayor Benedict Romeo or his designee, Borough Administrator Edward Wrixon, to execute the Contract on behalf of the Municipality; and

BE IT FURTHER RESOLVED, that a certified to be true copy of this Resolution be served upon, the Bergen County United Way, attention Tom Toronto, Counsel for Madeline Housing Partners, LLC, Brenda Stewart, Esq., Francesca Maragliano, Borough Clerk, and Christos J. Diktas, Esq., Borough Attorney.

34. Authorize Discharge of Mortgage and Settlement Agreement between the Borough of Cresskill and 40 Grant Avenue, Block 17 lot 8.

WHEREAS, in 2006 the Borough of Cresskill entered into an Agreement with Michael A. Esposito and Jean A. Esposito (hereinafter “the Esposito Family”), regarding the property known as 40 Grant Avenue, Cresskill, New Jersey 07626;

WHEREAS, the Agreement resulted in the Esposito Family pledging to the Borough of Cresskill real property as collateral, in the amount of a ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) with EIGHT (8%) percent interest per annum, with a ONE YEAR (1) Balloon Mortgage and Note; and

WHEREAS, the Mortgage and Note were Recorded on August 26, 2008, in the Bergen County Clerk’s Office in Book 17436 Page 297; and

WHEREAS, the Borough has attempted to collect this debt, and the Esposito Family alleges, and their defenses against repayment include but are not limited to Statute of Limitations and “Short Sale” issues; and

WHEREAS, as a result of a potential litigation, and the probability of success, the Borough Counsel has recommenced accepting a Settlement in the amount of ONE HUNDRED SEVENTY-ONE THOUSAND THREE HUNDRED THIRTY DOLLARS (\$171,330.00) against the original indebtedness plus interest of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00).

NOW THEREFORE, BE IT RESOLVED, that the Council, in light of extraordinary circumstances, does hereby authorize Borough Attorney, Christos J. Diktas, Esq., to accept the settlement offer in the amount of ONE HUNDRED SEVENTY-ONE THOUSAND THREE HUNDRED THIRTY DOLLARS (\$171,330.00) as a discounted consideration; and

BE IT FURTHER RESOLVED, the Council does hereby authorize Mayor Benedict Romeo, or his designee, Borough Administrator Edward Wrixon, to execute the Discharge of Mortgage, which must be tendered to the Esposito Family in Escrow as a condition of payment of the stipulated settlement; and

BE IT FURTHER RESOLVED, a Certified Copy of this Resolution be tendered to Borough CFO, Alison Altano, Borough Administrator, Edward Wrixon, Borough Clerk, Francesca Maragliano, Borough Attorney, Christos J. Diktas, and Keith Paterson, Esq., Counsel for the Esposito Family.

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

35. No one wished to be heard.
36. Motion by Council Member Schultz-Rummel and seconded by Council Member Cleary to close the meeting to remarks on agenda items.

Roll Call: Yes – Unanimous Motion adopted.

37. Motion by Council Member Schultz-Rummel 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.

- 38. Motion by Council Member Schultz-Rummel and seconded by Council Member Savas to adopt all items with an asterisk as a single question.

Roll Call: Yes – Unanimous Motion adopted.

PRESENTATION OF BILLS

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

(Resolution in full on pages 57A through 57J.)

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.]

- 40. James Kraus of the DPW said he worked on a shade tree grant program called “Tree City USA”. It’s a grant to plant more trees in town. We received a “Tree City USA” plaque for the town. The Mayor & Council thanked and congratulated James.

Mayor Romeo said we are having the groundbreaking ceremony for the United Way Group Home on Wednesday. They’ve asked us to call it “Cresskill Crossings”. Everyone agreed.

Mayor Romeo asked Jason Mitchell to get the timeline for putting the gym floor in the Community Center.

Mayor Romeo said there was a nice article in the newspaper about us getting the funding from the Army Corp. of Engineers for the flood study of the Tenakill Brook.

Dimple Kabadi Berger, 5 Lambs Lane said the reporter she spoke to today said anytime we want the press to put something out about the town’s infrastructure to contact her.

No one else wished to be heard.

- 41. Motion at 7:56 P.M. by Council Member Schultz-Rummel and seconded by Council Member Cleary to close the meeting and adjourn.

All in Favor. None Opposed. Motion adopted.

Benedict Romeo
Mayor

Francesca Maragliano
Borough Clerk