

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

SEPTEMBER 21, 2022

1. Chief Ulshoefer 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 8:29 P.M.
4. Present: Council Members Cleary, Kaplan, Olmo, Savas, Schultz-Rummel, Spina
Also Present: Attorney Gillen, Chief Domville
5. Motion by Council Member Olmo and seconded by Council Member Cleary to approve the minutes of the Mayor and Council Regular meeting of September 7, 2022.

All in Favor. None Opposed.

Motion adopted.

REPORTS OF COMMITTEES AND OFFICIALS

6. Council Member Olmo said Attorney Diktas advised him to make a recommendation for him to draw up an RFQ or RFP for a Borough Administrator.
7. Borough Clerk Maragliano explained all items on the Consent Agenda.

CONSENT AGENDA

NEW BUSINESS

*Resolutions

8. **WHEREAS**, Kevin and Luigina Galgano, are the property owners-taxpayers for real estate known as Block 301 Lot 2 and better known as 254 Wilson Drive, Cresskill, New Jersey 07626 (the "Property"); and

WHEREAS, Kevin and Luigina Galgano, have made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for the years 2017, 2018, 2019, 2020, 2021; 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: 2017

	Original Assessment	County Board	Requested Tax Court
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		Judgment	Judgment
Land	579,500.00		
Improvements	582,400.00		WITHDRAWN
Total	1,061,900.00		

Tax Year: 2018

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	487,700.00		487,700.00
Improvements	967,800.00		912,300.00
Total	1,455,500.00		1,400,000.00

Tax Year: 2019

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	495,200.00		487,700.00
Improvements	949,800.00		912,300.00
Total	1,445,000.00		1,400,000.00

Tax Year: 2020

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	497,700.00		
Improvements	919,300.00		WITHDRAWN
Total	1,417,000.00		

Tax Year: 2021

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	500,200.00		
Improvements	861,400.00		WITHDRAWN
Total	1,361,600.00		

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.

9. **WHEREAS**, Alexander Bronosky Bronvosky (Etal), is the property owner-taxpayer for real estate known as Block 91.05 Lot 18 and better known as 369 E. Madison Ave, Cresskill, New Jersey 07626 (the "Property"); and

WHEREAS, Alexander Bronosky Bronvosky (Etal) has made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for the years 2019, 2020 and 2021; 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: 2019

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	371,900.00		371,900.00
Improvements	1,666,500.00		1,603,100.00

Total	2,038,400.00		1,975,000.00
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Tax Year: 2020

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	371,900.00		
Improvements	1,666,500.00		WITHDRAWN
Total	2,038,400.00		

Tax Year: 2021

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	375,900.00		
Improvements	1,504,900.00		WITHDRAWN
Total	1,880,800.00		

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.

10. **WHEREAS**, Lavine, Norman & Eileen Ness, are the property owners-taxpayers for real estate known as Block 210 Lot 32 and better known as 7 Johnson Court, Cresskill, New Jersey 07626 (the "Property"); and

WHEREAS, Lavine, Norman & Eileen Ness, have made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for the years 2019, 2020 and 2021; 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: 2019

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	495,700.00		495,700.00
Improvements	898,300.00		854,300.00
Total	1,394,000.00		1,350,000.00

Tax Year: 2020

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	498,200.00		498,200.00
Improvements	822,900.00		822,900.00
Total	1,321,100.00		1,321,100.00

Tax Year: 2021

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	500,700.00		500,700.00
Improvements	769,100.00		769,100.00
Total	1,269,800.00		1,269,800.00

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.

11. **WHEREAS**, Ben Yosef, Eyal & Ann, are the property owners-taxpayers for real estate known as Block 210 Lot 5 and better known as 7 Eisenhower Drive, Cresskill, New Jersey 07626 (the "Property"); and

WHEREAS, Ben Yosef, Eyal & Ann, have made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for the years 2020; 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: 2020

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	504,000.00		504,000.00
Improvements	817,400.00		767,400.00
Total	1,321,400.00		1,271,400.00

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.

12. **WHEREAS**, Ben-Avraham, Isaac & Orna, are the property owners-taxpayers for real estate known as Block 91.03 Lot 8 and better known as 120 Engle Street, Cresskill, New Jersey 07626 (the "Property"); and

WHEREAS, Ben-Avraham, Isaac & Orna, have made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for the years 2020; 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: 2020

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	578,000.00		578,000.00
Improvements	1,692,900.00		1,636,600.00
Total	2,270,900.00		2,214,600.00

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.

13. **WHEREAS**, Fink, Lawrence R. & Josephine, are the property owners-taxpayers for real estate known as Block 212 Lot 1 and better known as 160 Hoover Drive, Cresskill, New Jersey 07626 (the “Property”); and

WHEREAS, Fink, Lawrence R. & Josephine have made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for the years 2019, 2020, 2021 and 2022; 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:

Fink, Lawrence	B 212, L 1					
Tax Year		2019	2020	2021	2022	
Assessment		\$1,736,500.00	\$1,722,500.00	\$1,746,500.00	\$1,801,300.00	
Tax Rate		0.02407	0.02432	0.02442	0.02442	
Settlement		\$1,550,000.00	\$1,550,000.00	withdrawn	withdrawn	
Refund		\$4,489.06	\$4,195.20			
Total Refund	\$8,684.26					

BE IT FURTHER RESOLVED, that Kenneth A Porro, Esq., of Chasan, Lamparello, Mallon & Cappuzzo., 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.

14. **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.

15. **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 2021 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.

16. **Resolution to Approve the Corrective Action Plan for the Fiscal Year 2021
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 2021 Audit Report submitted by the Chief Financial Officer.

- 17. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that Lewis Holzberg be appointed as a School Crossing Guard at a salary of \$19.28 per hour, retroactive to September 6, 2022.
- 18. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following individual be appointed as Special Police, Class 3 Law Enforcement Officer, effective immediately:

John Centrello
- 19. 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 refunds for 2019 and 2020 due to Stipulation of Settlements on the property assessments for the following:

2019

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSMENT</u>
210	32	<u>ADJUSTMENT</u>
Original Assessment:		\$1,394,000.00
Tax Court Judgment:		<u>\$1,350,000.00</u>
Decrease in Assessment:		\$ 44,000.00
Tax Rate:		<u>2,407</u>
Tax Refund:		\$ 1,059.08

Check for Block 210, Lot 32 to: Jennifer R. Jacobus, Esq.
 Attorney for: Norman Lavine
 201 Littleton Road, Suite 100
 Morris Plains, NJ 07950

2020

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSMENT</u>
210	5	<u>ADJUSTMENT</u>
Original Assessment:		\$1,321,400.00
Tax Court Judgment:		<u>\$1,271,400.00</u>
Decrease in Assessment:		\$ 50,000.00
Tax Rate:		<u>2,432</u>
Tax Refund:		\$ 1,216.00

Check for Block 210, Lot 5 to: Jennifer R. Jacobus, Esq.
 Attorney for: Eyal Ben Yosef
 201 Littleton Road, Suite 100

Morris Plains, NJ 07950

2020

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSMENT</u>
91.03	8	<u>ADJUSTMENT</u>
Original Assessment:		\$2,270,900.00
Tax Court Judgment:		<u>\$2,214,600.00</u>
Decrease in Assessment:		\$ 56,300.00
Tax Rate:		<u>2.432</u>
Tax Refund:		\$ 1,369.22

Check for Block 91.03, Lot 8 to: Jennifer R. Jacobus, Esq.
 Attorney for: Isaac Ben-Avraham
 201 Littleton Road, Suite 100
 Morris Plains, NJ 07950

20. 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 refunds for 2018 and 2019, payable to Valerie Hofer, Esq. Trust Account, due to Stipulation of Settlements on the property assessments for the following:

<u>2018</u>			<u>2019</u>		
<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSMENT</u>	<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSMENT</u>
301	2	<u>ADJUSTMENT</u>	301	2	<u>ADJUSTMENT</u>
Original Assessment:		\$1,455,500.00			\$1,445,000.00
Tax Court Judgment:		<u>\$1,400,000.00</u>			<u>\$1,400,000.00</u>
Decrease in Assessment:		\$ 55,500.00			\$ 45,000.00
Tax Rate:		<u>2.399</u>			<u>2.407</u>
Tax Refund:		\$ 1,331.45			\$ 1,083.15

<u>2019</u>		
<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSMENT</u>
91.05	18	<u>ADJUSTMENT</u>
Original Assessment:		\$2,038,400.00
Tax Court Judgment:		<u>\$1,975,000.00</u>
Decrease in Assessment:		\$ 63,400.00
Tax Rate:		<u>2.407</u>
Tax Refund:		\$ 1,526.04

Make Checks payable to: Valerie Hofer, Esq. Trust Account
 P.O. Box 787
 Montville, NJ 07045

21. 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:

Hyeun Kang (for: Ian Kim) 329 Concord Street Cresskill, NJ 07626 Amount: \$120.00	Krystle Kougias (for: Athanasios Kougias) 18 Churchill Road Cresskill, NJ 07626 Amount: \$120.00	Orna Ben-Or (for: Abigail Sofer) 80 Eisenhower Drive Cresskill, NJ 07626 Amount: \$108.00
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Michelle Chang (for: Iris Chang) 73 Merritt Avenue Cresskill, NJ 07626 Amount: \$120.00	Reena Khianey (for: Ishtaa Maharaj) 26 Heather Hill Road Cresskill, NJ 07626 Amount: \$136.00
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22. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following August 2022 payrolls be ratified and approved:

<u>August 12, 2022</u>	
Current Fund	377,211.98
Pool	35,364.69
Community Center	4,208.04
Library	<u>14,504.58</u>
	\$ 431,289.29

<u>August 26, 2022</u>	
Current Fund	321,713.21
Pool	31,267.21
Community Center	2,355.38
Library	<u>14,078.74</u>
	\$ 369,414.54

23. 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:

<u>TAX PERIOD</u>	<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
3 rd & 4 th qtr 2021	71	15	Sanasum, LLC 235 County Road Cresskill, NJ 07626 (for: County Road)	\$ 612.00

24. WHEREAS, the Borough of Cresskill, pursuant to Ordinance, has created the Cresskill Volunteer Ambulance & Emergency Services Company (hereinafter “CVAES”); and

WHEREAS, the CVAES Members are appointed by the Mayor and confirmed by the Council; and

WHEREAS, fulfilling the Membership requirements, as established by the Mayor & Council and the Rules and Regulations of the Cresskill Fire Department and Cresskill Emergency Services Department, plus the requirements annotated in Ordinance §15-1 et seq.; and

WHEREAS, the following individuals:

Anthony Patilla - EMS
Nicole Moodie - EMS
Jesse Hopfer - EMS

have petitioned the Mayor seeking to become a Member of the CVAES; and

WHEREAS, each Petition/Application has been submitted to the Board of Fire Officers and approved by same, subject to the final approval and appointment by the Mayor and Council;

NOW, THEREFORE, BE IT RESOLVED, that the above individuals are hereby appointed by Mayor Benedict Romeo and each respective appointment is confirmed by the Council, subject to the respective appointee complying with the Cresskill Revised

General Ordinances, specifically, §15-1 et seq., specifically §15-5, Requirements of the Volunteer Division; and

BE IT FURTHER RESOLVED, that a Certified to be True Copy of this Resolution be served upon each Appointee; Fire Chief Christopher Ulshoefer; Alison Altano, CFO; Francesca Maragliano, Borough Clerk

25. Chap 159 Resolution – Amendment to 2022 Budget

WHEREAS, N.J.S.A 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the budget of any County or Municipality when such item shall have been available by law and the amount thereof was not determined at the time of the adoption of the budget: and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amounts;

NOW, THEREFOR BE IT RESOLVED, that the Mayor and Council of the Borough of Cresskill requests the Director of Division of Local Government Services to approve the insertion of an item of revenue in the 2022 Budget in the sum of \$ 32,608.00 which is now available from 2021 Body-Worn Camera Grant Program.

BE IT FURTHER RESOLVED, that a like sum of \$ 32,608.00 is hereby appropriated under the caption

General Appropriations
 Operations Excluded from CAPS
 State and Federal Programs Offset by Revenues
 2021 Body-Worn Camera Grant Program

26. 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 & Feury by way of letter dated September 16, 2022 (a copy of which is attached) has certified that the work is completed as stated and recommends progress payment #2 in the amount of \$228,683.85; 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 to Zuccaro, Inc. in the amount of \$228,683.85.

Payment No. 2
 CR-991 – Reconstruction of Union Avenue Street Scapes

Value Work Completed to Date	\$ 412,985.06
Less: 2% Retainage	\$ 8,259.70
<u>Less: Amount Previously Paid</u>	<u>\$ 176,041.51</u>
Total Amount Due	\$ 228,683.85

Amount due progress Payment #2 **\$ 228,683.85**

27. 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 & Feury by way of letter dated September 16, 2022 (a copy of which is attached) has certified that the work is completed as stated and recommends progress payment #2 in the amount of \$305,400.27; 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 to American Asphalt and Trucking LLC in the amount of \$305,400.27.

Payment No. 2
CR-1034 – 2022 Road Resurfacing Program

Value Work Completed to Date	\$ 455,161.20
Less: 2% Retainage	\$ 9,103.22
<u>Less: Amount Previously Paid</u>	<u>\$ 140,657.71</u>
Total Amount Due	\$ 305,400.27

Amount due progress Payment #2 **\$ 305,400.27**

28. WHEREAS, the Mayor and Council of the Borough of Cresskill on April 3, 2019 adopted Resolution No. 13 awarding a bid for the Allen Street Community Parking Facility to 4 Clean-Up Inc. in the amount of \$1,044,841.50; and

WHEREAS, 4 Clean-Up Inc. has requested payment for the current work completed to date; and

WHEREAS, the Borough Engineer, Azzolina & Feury by way of letter dated September 6, 2022 (a copy of which is attached) has certified that the work is completed as stated and recommends progress payment #7/change order #2 in the amount of \$7,664.46; 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 #7/change order #2 to 4 Clean-up Inc in the amount of \$7,664.46.

Payment No. 7
CR-728- Allen Street Community Parking Facility

Value Work Completed	\$ 1,072,517.60
Less: 2% Retainage	\$ 21,450.35
<u>Less: Amount Previously Paid</u>	<u>\$ 1,043,402.79</u>
Total Amount Due	\$ 7,664.46

Amount due progress Payment #7 **\$ 7,664.46**

29. WHEREAS, the Mayor and Council of the Borough of Cresskill on April 3, 2019 adopted Resolution No. 13 awarding a bid for the Allen Street Community Parking Facility to 4 Clean-Up Inc. in the amount of \$1,044,841.50; and

WHEREAS, 4 Clean-Up Inc. has requested payment for the current work completed to date; and

WHEREAS, the Borough Engineer, Azzolina & Feury by way of letter dated September 6, 2022 (a copy of which is attached) has certified that the work is completed as stated and recommends progress payment #8/Final in the amount of \$21,450.35; 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 #8/Final to 4 Clean-up Inc in the amount of \$21,450.35.

Payment No. 8 Final
CR-728- Allen Street Community Parking Facility

Value Work Completed	\$ 1,072,517.60
Less: 0% Retainage	\$ 0.00
<u>Less: Amount Previously Paid</u>	<u>\$ 1,051,067.25</u>
Total Amount Due	\$ 21,450.35

Amount due progress Payment #8 Final **\$ 21,450.35**

30. Emergency Appropriation in Accordance with N.J.S.A. 40A:4-48 – Emergency Swim Pool Appropriation

WHEREAS, an emergency has arisen with respect to the Municipal Pool which is in need of additional staffing to properly operate the pool for the season, and

WHEREAS, no adequate provision was made in the 2022 budget for the aforesaid purpose, and N.J.S.A. 40A:4-48 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is \$20,000.00 and, three percent (3%) of the total operating appropriations in the Budget for the year 2022 is \$560,304.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Cresskill, County of Bergen (not less than two-thirds of all members thereof affirmatively concurring) that the emergency appropriation made for extraordinary expenditures associated with the salaries and wages for the Swim Pool Utility in the amount of \$20,000 will be provided in full by 2022 budget appropriation and that in accordance with N.J.S.A. 40A:4-48 that

1. An emergency appropriation be and the same is hereby made for:

Swim Pool Utility Fund
Swim Pool Operating
Salaries and Wages – Additional Staffing Needs \$20,000.00

2. Said emergency appropriation shall be provided for by a Bond Ordinance of the City.
3. That funds for the appropriation shall be provided from surplus funds on hand.
4. That two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services.
5. That the statements required by the Local Finance Board have been filed with the Clerk and a copy thereof will be transmitted to the Director of the Division of Local Government Services.

31. WHEREAS, the Borough of Cresskill advertised, as required by law, for the receipt of Bids for the project known as “Cranford Park Basketball Court Facility”, and received Bids on July 6, 2022, which were rejected pursuant to N.J.S.A. 40A:11-13.2; and

WHEREAS, the Borough of Cresskill readvertised for the receipt of Bids for the “Cranford Park Basketball Court Facility” project, and received Bids on August 3, 2022; and

WHEREAS, the “Cranford Park Basketball Court Facility” project is important to the Borough, and the Borough Engineer recommends that the Bids be rejected, pursuant to N.J.S.A. 40A:11-13.2, for exceeding the initial estimate, and negotiate.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council that, upon the recommendation of the Borough Engineer, Paul Azzolina, and as accepted by the Borough Attorney, Christos J. Diktas, Esq., the Bids received on August 3, 2022, are statutorily rejected; and

BE IT FURTHER RESOLVED, that the Mayor and Council does hereby authorize Borough Engineer, Paul Azzolina, and Borough Attorney, Christos J. Diktas, Esq., to negotiate with eligible Bidders for the “Cranford Park Basketball Court Facility” project; and

BE IT FURTHER RESOLVED, that a Certified to be True Copy of this Resolution be served upon: Paul Azzolina, Borough Engineer; Francesca Maragliano, Borough Clerk, Alison Altano, Chief Financial Officer, and Christos J. Diktas, Esq., Borough Attorney

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

32. No one wished to be heard.

33. 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.

34. 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.

35. 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.

PRESENTATION OF BILLS

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

(Resolution in full on pages 154A through 154F.)

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.]

37. Janet Wehle, 5 Heather Hill Court asked the status of the flooding from the creek. Mayor Romeo said the Army Corps. of Engineers are going to be mapping it out and start dealing with it. Also, we hired Neglia Engineering who are looking at all the waterways in town. A lot of the flooding problems have been caused by the homeowners and our Property Maintenance Officer will be checking and giving warnings or violations to the homeowners that are causing the flooding problems.

Doris Blasi, 9 Heather Hill Court said she wondered if they were getting lost because on either side of them is Demarest. Mayor Romeo said he will have Negliia pay special attention to their houses.

No one else wished to be heard.

38. Motion at 8:45 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.

Benedict Romeo
Mayor

Francesca Maragliano
Borough Clerk