

## BOROUGH OF CRESSKILL

## MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

APRIL 3, 2024

1. Council Member Spina 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 6:58 P.M.
4. Present: Council Members Kaplan, McLaughlin, Olmo, Schultz-Rummel, Spina  
Also Present: Attorney Diktas, Administrator Lavin, Captains Lanzilotti & Luciano  
Absent: Council Member Savas
5. Motion by Council Member Olmo and seconded by Council Member Schultz-Rummel to approve the minutes of the Mayor and Council Regular meeting of March 20, 2024.  
  
All in Favor. None Opposed. Motion adopted.
6. Motion by Council Member Olmo and seconded by Council Member Spina to suspend the regular order of business to discuss a personnel matter.  
  
Roll Call: Yes – Unanimous Motion adopted.
7. Attorney Diktas explained School Marshal Steven Schweitzer was rice noticed on March 27, 2024, and that he requested the matter be held in open public session. Mr. Schweitzer has been put on notice that termination of employment could occur.
8. Attorney Diktas swore in Captain Jeremy Luciano.
9. Captain Luciano testified that on March 21, 2024, the Police received a verbal complaint about the school marshal at Piermont Rd. & East Madison Ave. regarding his inappropriate language in front of an adolescent and not assisting pedestrians across the street. Mr. Schweitzer has been counseled numerous times about not assisting pedestrians, not using his stop sign, as well as other misconducts. The Police Dept. recommends Mr. Schweitzer be terminated.
10. Attorney Diktas swore in Mr. Steven Schweitzer.
11. Mr. Schweitzer stated his language was not directed at the pedestrian but to himself and stays in his car if there is no one to cross because the intersection is dangerous.
12. Attorney Diktas addressed the Council.
13. Motion by Council Member Olmo and seconded by Council Member Schultz-Rummel to terminate Mr. Schweitzer's employment as a school marshal.  
  
Roll Call: Yes – Council Members Kaplan, McLaughlin, Olmo, Schultz-Rummel, Spina  
No – None  
Absent – Council Member Savas  
Abstain – None  
Motion adopted.

14. Motion by Council Member Olmo and seconded by Council Member Spina to resume the regular order of business.

Roll Call: Yes – Unanimous

Motion adopted.

#### COMMUNICATIONS

15. Minutes of the following meetings:

Board of Health  
Planning Board

January 16, 2024  
March 12, 2024

Filed.

#### REPORTS OF COMMITTEES AND OFFICIALS

16. Council Member Spina said the BOH member Lindsey Butkus has been doing programs with the Senior Center and Dr. Clara Lee with the schools. They've received good feedback on the latest newsletter. We were named Healthy Town again by the New Jersey Mayor's Wellness Campaign.

Council Member Schultz-Rummel said Planning Board meetings will begin at 7:00 PM rather than 7:30 PM beginning in April.

Council Member McLaughlin said our Social Services Director is currently assisting two elderly families in town.

Council Member Kaplan said the Library renovation project is ongoing and they should reopen by their target date in June.

#### NEW BUSINESS

#### INTRODUCTION OF ORDINANCE

#### Ordinance No. 24-05-1641 – An Ordinance Amending Chapter 275 Zoning Specifically Article XV §275-66.1 Tree Removal

17. Motion at 7:18 PM by Council Member Olmo and seconded by Council Member Schultz-Rummel to introduce Ordinance No. 24-05-1641 on first reading by title only, An Ordinance Amending Chapter 275 Zoning Specifically Article XV §275-66.1 Tree Removal

Roll Call: Yes – Unanimous

Motion adopted.

(Ordinance in full on pages 55A through 55I.)

18. 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. 24-05-1641, entitled:

AN ORDINANCE AMENDING CHAPTER 275 ZONING SPECIFICALLY, ARTICLE XV, §275-66.1 TREE REMOVAL

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, April 17, 2024 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 in full, 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.

- 19. Borough Clerk Maragliano explained all items on the Consent Agenda.

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CONSENT AGENDA

NEW BUSINESS

\*Resolutions

- 20. WHEREAS, the Senior Center planned a trip to see the play “Wicked”; and  
  
WHEREAS, Maria Pantagis paid for the trip but was unable to attend;  
  
NOW, THEREFORE, BE IT RESOLVED that the fee be returned to:

Maria Pantagis  
32 Jefferson Avenue  
Cresskill, NJ 07626  
Amount: \$142.00

- 21. WHEREAS, on February 8, 2024, Azzolina & Feury Engineering Inc, Borough Engineers, submitted a memorandum titled “Corrective Deed for Municipal Park Expansion NJDEP Green Acres Project Agreement No. 0208-16-002 Acquisition of Johnson Property Block 169, Lot 20 #222 Piermont Road, Cresskill NJ” wherein Paul Azzolina, P.E. informed the Borough that the New Jersey Department of Environmental Protection (NJDEP) Greens Acres Division advised that previously filed Deeds for the property located at Block 169 Lot 20 (222 Piermont Road) must be amended to include certain language required by the NJDEP; and  
  
WHEREAS, the Corrective Deed has been prepared by that Borough Attorney, in accordance with the directions submitted by the Borough Engineer, including the language mandated to be included by the NJDEP; and  
  
WHEREAS, the Recording of this Corrective Deed is a prerequisite and requirement to the Borough receiving funding for other Green Acres Projects.  
  
NOW THEREFOR BE IS RESOLVED, that the Council does hereby authorize Mayor Benedict Romeo or his designee, Dianne Lavin, Borough Administrator, to execute the Corrective Deed for Recording Purposes; and  
  
BE IT FURTHER RESOLVED, that the Council does hereby authorize Borough Attorney, Christos J. Diktas, Esq., to record this Corrective Deed with the Bergen County Clerk; and  
  
BE IT FURTHER RESOLVED, that a Certified to be True Copy of this Resolution be attached to the Corrective Deed confirming the Borough’s consent to the amendment and recordation; and  
  
BE IT FURTHER RESOLVED, that a Certified to be True Copy of this Resolution be tendered to the following: Michael C. Johnston; Laura C. Johnston; Paul Azzolina, P.E.; New Jersey Department of Environmental Protection Green Acres; Dianne Lavin, Borough Administrator; Francesca Maragliano, Borough Clerk; and Christos J. Diktas, Esq., Borough Attorney.

22. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that Burgis Associates Inc., 25 Westwood Avenue, Westwood, NJ 07675 be retained as Professional Planner Consultant for the Borough of Cresskill regarding work to be performed to be in compliance with Assembly Bill A4 and Senate Bills S-50 at a fee not to exceed \$35,000. 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.
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 <sup>rd</sup> qtr 2024	36	179.01	Paul & Irene Chiusano 177 5 <sup>th</sup> Street Cresskill, NJ 07626	\$ 659.81

24. WHEREAS, Planning Board applications were required for several properties; and

WHEREAS, escrow accounts were established for the work; and

WHEREAS, the work has been completed and inspected;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following refunds of Developer Escrow accounts be made:

<u>Account No.</u>	<u>Block</u>	<u>Lots</u>	<u>Applicant</u>	<u>Amount</u>
DE-365	138	334.01	15 Wakelee Drive Corp. 127 South Washington Avenue Bergenfield, NJ 07621 (for: 219 Magnolia Avenue)	\$ 1,314.00
DE-422	91.07	11	Elias T. Dokas 104 Hoover Drive Cresskill, NJ 07626	\$ 328.00
DE-431	139	101 &33	Ji Eun Kim 42 West Clinton Ave., Apt. B Tenafly, NJ 07670 (for: 292 Magnolia Avenue)	\$ 2,207.25
DE-460	14.03	4	John & Stephanie Hroncic 368 12 <sup>th</sup> Street Cresskill, NJ 07626	\$ 922.50
DE-468	127	388-390	Maxim Manco 170 14 <sup>th</sup> Street Cresskill, NJ 07626	\$ 81.00
DE-484	75	14	Craig R. Weis, Esq. Atty Trust Account 837 Broadway Norwood, NJ 07648 (for: 67 Westervelt Place)	\$ 129.50

DE-485	91.05	17	KVR/Kevin Rivara 79 Goffle Road Hawthorne, NJ 07506 <i>(for: 8 Fairway Court)</i>	\$ 302.00
DE-491	1.05	21	Josef & Victoria Gelman 473 12 <sup>th</sup> Street Cresskill, NJ 07626 <i>(for: 36 Douglas Drive)</i>	\$ 362.25
DE-524	14	60	Adam Pitt 266 Concord Street Cresskill, NJ 07626	\$ 1,687.00
DE-525	213	3	Orna Ben Or 80 Eisenhower Drive Cresskill, NJ 07626	\$ 83.75
DE-527	92.01	54	Pllumb Leka 78 Engle Street Cresskill, NJ 07626	\$ 139.25
DE-573	143	230	Barbara Schultz 41 Delmar Avenue Cresskill, NJ 07626 <i>(for: 141 12<sup>th</sup> Street)</i>	\$ 399.50

25. WHEREAS, the Borough of Cresskill is a bona fide purchaser for value (tax certificates) of its asserted right, title or interest in the property commonly known as 125 13<sup>th</sup> Street, in the Borough of Cresskill, County of Bergen, State of New Jersey (hereinafter “125 13<sup>th</sup> Street Cresskill”), arising from actions of JAE CHOI ESQ., and his fraudulent undertakings against the United States of America; and

WHEREAS, the Borough of Cresskill was not aware of any criminal activity undertaken by JAE CHOI; and

WHEREAS, the United States of America has commenced forfeiture actions against JAE CHOI, and as part of that action, will be selling the property commonly known as 125 13<sup>th</sup> Street Cresskill; and

WHEREAS, the Borough of Cresskill does hereby consent to the forfeiture of 125 13<sup>th</sup> Street Cresskill to the United States Government; and

WHEREAS, the United States Government does agree that upon the sale of the property commonly known as 125 13<sup>th</sup> Street Cresskill, pursuant to Court Order or upon entry of a final Order of Forfeiture forfeiting the Property to the United States and the sale of the Property pursuant to the Final Order of Forfeiture, the Borough of Cresskill accepts without contest the proceeds of the sale representing outstanding taxes and accrued interest charges being approximately TWO HUNDRED THIRTY FIVE THOUSAND SEVEN HUNDRED SIXTY-EIGHT DOLLARS AND SIXTY-FIVE CENTS (\$235,768.65) as of December 31, 2024; and

WHEREAS, the payment to the Borough of Cresskill shall be in full settlement and satisfaction of all claims of the Borough of Cresskill arising from the relating seizure, detention and forfeiture of the property known as 125 13<sup>th</sup> Street Cresskill; and

WHEREAS, upon receipt of payment, the Borough of Cresskill agrees to assign and convey its security interest to the United States; and

WHEREAS, the Borough of Cresskill agrees, upon receipt of consideration, not to pursue any other rights it may have, including but not limited to the right to foreclose upon and sell the property and any right to assess additional interest and penalties; and

WHEREAS, the United States Attorney's Office has transmitted a Stipulation Order of Settlement pursuant to 21 USC 853(i)(2)(n) regarding the forfeiture sale of 125 13<sup>th</sup> Street Cresskill; and

WHEREAS, in order for the Settlement to proceed, the Federal District Court requires the Borough's consent as expressed in the Stipulation Order of Settlement and this Resolution.

NOW THEREFORE, BE IT RESOLVED, that the Borough of Cresskill does hereby authorize Borough Attorney Christos J. Diktas, Esq., of the law firm Diktas Gillen, P.C., to execute the Stipulation Order of Settlement pursuant to 21 USC 853(i)(2)(n) regarding the forfeiture sale of 125 13<sup>th</sup> Street Cresskill; and

BE IT FURTHER RESOLVED, that a Certified to be True Copy of this Resolution be transmitted to United States Attorney Sarah Devlin, Esq., for presentment to the Federal District Court as an attachment to the Borough's Consent to the Stipulation Order of Settlement; and

BE IT FURTHER RESOLVED, that a Certified to be True Copy of this Resolution be tendered to: Ada J. Vassallo, Tax Collector; Dianne Lavin, Borough Administrator; Francesca Maragliano, Borough Clerk; 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.]

26. Council Member Olmo said we are trying to be proactive with Resolution #3 (#22) as we have always tried to do when it comes to COAH. Municipalities throughout the state are going to be challenging the new legislature. Mayor Romeo said unfortunately there is no immunity after you satisfy your obligation.

No one else wished to be heard.

27. Motion by Council Member Olmo and seconded by Council Member Schultz-Rummel to close the meeting to remarks on agenda items.

Roll Call: Yes – Unanimous Motion adopted.

28. Motion by Council Member Olmo and seconded by Council Member Schultz-Rummel 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.

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

Roll Call: Yes – Unanimous Motion adopted.

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PRESENTATION OF BILLS

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

(Resolution in full on pages 59A through 59N.)

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.]

31. No one wished to be heard.
32. Motion at 7:26 P.M. by Council Member Olmo and seconded by Council Member Schultz-Rummel to close the meeting and adjourn.

All in Favor. None Opposed.

Motion adopted.

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Benedict Romeo  
Mayor

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Francesca Maragliano  
Borough Clerk