

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

MAY 15, 2024

1. Robert Rummel 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 7:11 P.M.
4. Present: Council Members Kaplan, McLaughlin, Olmo, Savas, Schultz-Rummel, Spina
Also Present: Attorney Diktas, Administrator Lavin, Captain Luciano
5. Motion by Council Member Savas and seconded by Council Member Spina to approve the minutes of the Mayor and Council Regular meeting of May 1, 2024.

All in Favor. None Opposed.

Motion adopted.

COMMUNICATIONS

6. Minutes of the following meeting:

Planning Board

April 23, 2024

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Olmo said the swim club is ready to open Memorial Day weekend. Thank you to the Police and Fire Dept. for assisting in a suspicious package delivery today. Bergen County Hazmat was on scene and thankfully it was not hazardous. There was an HVAC fire at the high school last week. Everyone acted fast and remained safe.

UNFINISHED BUSINESS

ORDINANCE ON FINAL READING

Ordinance No. 24-09-1645 – Amend Chapter 53, Article VIII Special Duty Assignments

8. Motion at 7:14 PM by Council Member Savas and seconded by Council Member Spina to hear Ordinance No. 24-09-1645 on final reading by title only, Amend Chapter 53, Article VIII Special Duty Assignments.

Roll Call: Yes – Unanimous

Motion adopted.

(Ordinance in full on pages 70A in Minutes of Regular
Mayor and Council Meeting held May 1, 2024.)

9. The Borough Clerk announced the Ordinance was published in The Record on May 3, 2024, 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 Savas and seconded by Council Member Olmo to close the public hearing.

Roll Call: Yes – Unanimous Motion adopted.

13. 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. 24-09-1645, entitled:

AMEND CHAPTER 53, ARTICLE VIII – SPECIAL DUTY ASSIGNMENTS

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

Roll Call: Yes – Unanimous Resolution adopted.

Ordinance No. 24-10-1646 – 2024 “CAP” Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A 40A:4-45.14)

14. Motion at 7:16 PM by Council Member Olmo and seconded by Council Member Savas to hear Ordinance No. 24-10-1646 on final reading by title only, 2024 “CAP” Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A 40A:4-45.14)

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

(Ordinance in full on page 71A in Minutes of Regular Mayor and Council Meeting held May 1, 2024.)

15. The Borough Clerk announced the Ordinance was published in The Record on May 3, 2024, 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 Olmo and seconded by Council Member Savas to close the public hearing.

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

19. Resolution by Council Member Olmo 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. 24-10-1646, entitled:

2024 “CAP” ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
 APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
 (N.J.S.A. 40A-4-45.14)

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

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

Ordinance No. 24-11-1647 –Amend Chapter 53, Section 32 Police Promotions

20. Motion at 7:17 PM by Council Member Savas and seconded by Council Member Olmo to hear Ordinance No. 24-11-1647 on final reading by title only, Amend Chapter 53, Section 32 Police Promotions.

Roll Call: Yes – Unanimous Motion adopted.

(Ordinance in full on pages 70B through 70G in Minutes of Regular
 Mayor and Council Meeting held May 1, 2024.)

21. The Borough Clerk announced the Ordinance was published in The Record on May 3, 2024, 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. No one wished to be heard.
24. Motion by Council 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 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. 24-11-1647, entitled:

ORDINANCE AMENDING CHAPTER 53 SECTION 32
 POLICE PROMOTIONS

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

Roll Call: Yes – Unanimous Resolution adopted.

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

CONSENT AGENDA

NEW BUSINESS

*Resolutions

27. WHEREAS, the property located at 350 Madison Avenue, also known as Block 27, Lot 69.01 has been redeemed. The Tax Collector has received (1) one check in the amount of \$128,340.98 for payment of the lien Certificate No. 22-00001; and

WHEREAS, the Borough is holding a \$76,000.00 premium in a Trust Account for the above mentioned lien.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Cresskill that the Treasurer is hereby authorized to issue one (1) municipal check in the amounts of \$128,340.98 and \$76,000.00 respectively for a total of \$204,340.98 as follows:

Payable to:
Christiana T C/F CE1/Firsttrust

Mail to:
P.O Box 5021
Philadelphia, PA 19111-5021

28. WHEREAS, a soil permit application was required for this property; and

WHEREAS, an escrow account was 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 refund of Developer's Escrow account be made:

<u>Account No.</u>	<u>Block</u>	<u>Lot</u>	<u>Applicant</u>	<u>Amount</u>
DE-541	85	80-82	39 Center Street LLC 64 No. Summit Street, Ste. 216 Tenafly, NJ 07670 (for: 39 Center Street)	\$ 110.00

29. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Mayor be, and hereby is, authorized to execute an amendment to the Solid Waste Service Agreement with the Bergen County Utilities Authority for Cresskill's participation in the BCUA Solid Waste Cooperative Marketing Program for term ending May 31, 2026.

30. WHEREAS, Henry & Irene Caruso are the owners of premises commonly known as 12 Mountain View Road, Cresskill, New Jersey; and

WHEREAS, Cresskill Housing Rehabilitation holds a mortgage in the amount of \$15,459.00 on the aforesaid premises known as Block 1.03, Lot 3; and

WHEREAS, the mortgage was recorded or registered in the office of the Bergen County recording office on January 13, 2010 in Mortgage Book 00338 on page 0869; and

WHEREAS, the mortgage has been paid in full or forgiven or otherwise satisfied and discharged.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Mayor be and is hereby authorized to execute a Discharge of Mortgage discharging the mortgage held by the Borough of Cresskill, Housing Rehabilitation Program in the amount of \$15,459.00 for premises commonly known as 12 Mountain View Road, Cresskill, New Jersey, Block 1.03, Lot 3.

31. WHEREAS, the property located at 156 Piermont Road, also known as Block 74, Lot 47.05 has been redeemed. The Tax Collector has received (1) one check in the amount of \$114,153.69 for payment of lien Certificate No. 22-00003; and

WHEREAS, the Borough is holding a \$66,000.00 premium in a Trust Account for the above mentioned lien.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Treasurer is hereby authorized to issue one (1) municipal check in the amounts of \$114,153.69 and \$66,000.00 respectively for a total of \$180,153.69 as follows:

Payable to:

Christina T C/F CE1/Firsttrust
P.O. Box 5021
Philadelphia, PA 19111-5021

32. WHEREAS, the property located at 135 County Road, also known as Block 83, Lot 79 has been redeemed. The Tax Collector has received (1) one check in the amount of \$87,359.56 for payment of lien Certificate No. 22-00004; and

WHEREAS, the Borough is holding a \$40,000.00 premium in a Trust Account for the above mentioned lien.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Treasurer is hereby authorized to issue one (1) municipal check in the amounts of \$87,359.56 and \$40,000.00 respectively for a total of \$127,359.56 as follows:

Payable to:

Christina T C/F CE1/Firsttrust
P.O. Box 5021
Philadelphia, PA 19111-5021

33. WHEREAS, the property located at Legion Drive, also known as Block 184, Lot 8 has been redeemed. The Tax Collector has received (1) one check in the amount of \$148,007.09 for payment of lien Certificate No. 22-00005; and

WHEREAS, the Borough is holding a \$50,000.00 premium in a Trust Account for the above mentioned lien.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Treasurer is hereby authorized to issue one (1) municipal check in the amounts of \$148,007.09 and \$50,000.00 respectively for a total of \$198,007.09 as follows:

Payable to:

Christina T C/F CE1/Firsttrust
P.O. Box 5021
Philadelphia, PA 19111-5021

34. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the following be approved for part time seasonal help as a Laborer in the Public Works Department at a salary of \$15.30 per hour.

Thomas Lee – effective May 13, 2024

35. CALLING FOR THE MODERNIZATION OF THE OPEN PUBLIC RECORDS ACT (OPRA) AND THE SWIFT PASSAGE OF S-2930/A-4045

WHEREAS, in the 2002 “lame duck” session the Open Public Records Act (OPRA) was approved to make government records, “readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the

public interest” while protecting “a citizen’s right to a reasonable expectation of privacy”; and

WHEREAS, as local leaders we reaffirm our support and commitment to open and transparent government and public access to records, at the same time, we strongly support necessary reforms; and

WHEREAS, in the twenty years since the enactment of OPRA and with the advent of new technologies, we have witnessed unintended consequences and, in some cases, abuses of OPRA that place an unfair burden on local governments and taxpayers; and

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

WHEREAS, OPRA has become broadly construed in favor of access and the requestor who prevails in any proceeding in appealing a denial of access of records is permitted to collect exorbitant attorney’s fees, which impacts the taxpayers and municipalities who must pay these fees; and

WHEREAS, municipalities have seen outside businesses and interests who abuse OPRA for marketing and commercial gains while utilizing municipal employees paid by the taxpayers for this benefit; and

WHEREAS, due to court decisions over the years, reasonable expectations of privacy have been diminished when it comes to the balance of transparency and OPRA perpetuates for-profit data-mining, unsolicited marketing, and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

WHEREAS, when commercial entities are constantly emailing OPRA requests looking for the latest lists of dogs licensed that month, inground pool permits issued, solar roof permits issued, etc., it causes our residents to not want to license their dogs, comply with permits, or interact with the municipality because they don’t want to lose their privacy and/or have their information tracked and monetized for commercial purposes; and

WHEREAS, reforms to modernize OPRA are long overdue, among them: the need to address requests by commercial entities that utilize public records and the services of local government employees to generate profits, mandatory prevailing attorney fees, which created a cottage industry, and to add language so that such fees are based on facts and circumstances and not an automatic granting; and

WHEREAS, Senators Sarlo and Bucco and Assemblyman Danielsen and Assemblywoman Flynn have introduced S-2930/A-4045, which makes commonsense reforms that do not hinder residents or journalists from using OPRA to access public records, but will protect citizens’ personal information from disclosure, addresses the burdensome commercial requests and provide discretion when awarding prevailing attorney fees;

NOW, THEREFORE, BE IT RESOLVED, the governing body of the Borough of Cresskill in the County of Bergen respectfully request the adoption of much-needed reforms to modernize and strengthen the legislative intent of the Open Public Records Act (OPRA) and urges the swift passage of S-2930/A-4045; and

BE IT FURTHER RESOLVED, as local leaders, we reaffirm our support and commitment to open and transparent government and public access to records but at the same time, we strongly support necessary reforms; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Senate President Scutari, Assembly Speaker Coughlin, Senator Holly Shepisi, Assemblyman

Roberth Auth and Assemblyman John Azzariti, Governor Murphy, and the New Jersey League of Municipalities.

36. 2024 TEMPORARY BUDGET

WHEREAS, an emergent condition has arisen with respect to various Appropriations listed below and no adequate provision has been made in the 2024 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 2024 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$413,000; 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

Municipal Clerk - O/E	120-020	1,000
Financial Administration - O/E	130-020	5,000
Grant Writer -O/E	136-020	3,000
Technology/Data Processing - O/E	140-020	10,000
Engineering - O/E	165-020	12,000
Employee Group Insurance - O/E	220-020	120,000
Fire Hydrant Service - O/E	257-020	15,000
Shade Tree -O/E	300-020	1,000
Solid Waste Collection - O/E	305-020	40,000
Recycling - O/E	306-020	35,000
Senior Citizens -O/E	372-020	8,000
Library -O/E	390-020	90,000
Telephone- O/E	440-020	10,000
Natural Gas	446-020	1,000
Reserve Grant Recycle	708-020	2,000
TOTAL		353,000
Swim Pool - O/E	502-020	60,000

2. That said emergency temporary appropriations will be provided for in the 2024 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

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

37. Motion by Council Member Spina and seconded by Council Member Olmo to table Resolution #9 (#35) for further discussion.

Roll Call: Yes – Unanimous Motion adopted.

No one else wished to be heard.

38. Motion by Council Member Savas and seconded by Council Member Olmo to close the meeting to remarks on agenda items.

Roll Call: Yes – Unanimous Motion adopted.

39. Motion by Council Member Savas and seconded by Council Member Spina to consider all items marked with an asterisk, excluding Resolution #9 (#35), 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.

40. Motion by Council Member Savas and seconded by Council Member Spina to adopt all items with an asterisk, excluding Resolution #9 (#35), as a single question.

Roll Call: Yes – Unanimous Motion adopted.

PRESENTATION OF BILLS

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

(Resolution in full on pages 81A through 81I.)

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.]

42. Mayor Romeo said the Memorial Day parade is Monday, May 27th at 10:00 AM.

43. Motion at 7:22 P.M. by Council Member Savas and seconded by Council Member Olmo to close the meeting and adjourn.

All in Favor. None Opposed. Motion adopted.

Benedict Romeo
Mayor

Francesca Maragliano
Borough Clerk