

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

JUNE 12, 2024

1. Captain Luciano 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 7:12 P.M.
4. Present: Council Members Olmo, Savas, Schultz-Rummel, Spina
Also Present: Attorney Diktas, Administrator Lavin, Chief Ulshoefer, Captain Luciano, Construction Official Rusch, Auditor Lerch
Absent: Council Members Kaplan, McLaughlin
5. Motion by Council Member Spina and seconded by Council Member Olmo to approve the minutes of the Mayor and Council Regular meeting of May 15, 2024.

All in Favor. None Opposed.

Motion adopted.

COMMUNICATIONS

6. Minutes of the following meetings:

Planning Board

May 14 & 28, 2024

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Savas said the library's grand reopening is June 22nd. Recreation Director Mitchell is preparing for the July 4th festivities.

Council Member Spina said the BOH has a meeting next week and will be planning for the 5k race in the fall.

UNFINISHED BUSINESS

Public Hearing – 2024 Budget

8. Motion at 7:14 PM by Council Member Olmo and seconded by Council Member Spina to hold a public hearing on the 2024 Budget.

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

9. Resolution by Council Member Olmo and seconded by Council Member Spina to waive reading in full of the 2024 Budget.

(Resolution in full on page 83A.)

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

(2024 Budget in full on pages 72A through 72CCCC of
 Mayor and Council Meeting held May 1, 2024.)

10. Motion by Council Member Olmo and seconded by Council Member Schultz-Rummel to remove resolution (agenda item # 8) to conduct Self-Examination of Annual Budget.

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

11. Mayor Romeo opened the meeting to the public on the 2024 Budget. [Reported by Deputy Borough Clerk Patricia A. McKim.]

12. Mayor Romeo said it's a tight budget, but we dealt with it correctly.

No one else wished to be heard.

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

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

14. Resolution by Council Member Olmo and seconded by Council Member Schultz-Rummel to adopt the 2024 Budget.

(Resolution in full on pages 83B through 83C.)

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

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

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

NEW BUSINESS

INTRODUCTION OF ORDINANCE

Ordinance No. 24-12-1648 – Amend Chapter 226 Article I Stormwater Control Regulations

16. Motion at 7:17 PM by Council Member Olmo and seconded by Council Member Spina to introduce Ordinance No. 24-12-1648 on first reading by title only, Amend Chapter 226 Article I Stormwater Control Regulations.

Roll Call: Yes – Unanimous Motion adopted.

(Ordinance in full on pages 84A through 84CC.)

17. 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. 24-12-1648, entitled:

AN ORDINANCE AMENDING CHAPTER 226, STORMWATER
MANAGEMENT ARTICLE I ENTITLED STORMWATER CONTROL
REGULATIONS OF THE REVISED GENERAL ORDINANCE OF THE
BOROUGH OF CRESSKILL

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, June 26, 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 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.

NEW BUSINESS

2024 Bergen County Open Space Trust Fund

18. Motion at 7:19 PM by Council Member Olmo and seconded by Council Member Schultz-Rummel to open the public hearing for the submission of a grant application for the 2024 Bergen County Open Space Trust Fund whereas the Borough of Cresskill desires to obtain a matching grant for the Third Street Recreational Complex Tennis Court & Basketball Court Lighting Upgrades in the amount of \$75,000.00.

Roll Call: Yes – Unanimous Motion adopted.

19. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]

20. No one wished to be heard.

21. Motion by Council Member Olmo and seconded by Council Member Schultz-Rummel to close the public hearing for the submission of a grant application for the 2024 Bergen County Open Space Trust Fund whereas the Borough of Cresskill desires to obtain a matching grant for the Third Street Recreational Complex Tennis Court & Basketball Court Lighting Upgrades in the amount of \$75,000.00.

Roll Call: Yes – Unanimous Motion adopted.

22. Borough Clerk Maraglio explained all items on the Consent Agenda.

CONSENT AGENDA

NEW BUSINESS

*Resolutions

23. WHEREAS, the Borough of Cresskill has entered into a three-year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40A:65-1 et seq. and Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, said agreement requires that the Municipal Council appoint a representative and alternate and that the Mayor appoint a representative and alternate for the FY 2024-2025 term starting July 1, 2024 and ending on June 30, 2025.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council and Mayor hereby appoints James Noseworthy as its representative and Dianne Lavin as its alternate to serve on the Community Development Regional Committee for FY 2024-2025; and

BE IT FURTHER RESOLVED that an original, certified copy of this resolution be immediately sent to Robert G. Esposito, Director; Bergen County Division of Community Development at One Bergen County Plaza, Fourth Floor, Hackensack NJ 07601.

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

Dominick Ambrosini 57 Merritt Avenue Cresskill, NJ 07626 Amount: \$846.00	Lital Mekel 132 Heather Hill Road Cresskill, NJ 07626 Amount: \$771.00
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25. 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>Lot</u>	<u>Applicant</u>	<u>Amount</u>
DE-574	91.08	16	Westrock Industries 21 North Middletown Road Nanuet, NY 10954 (for: 97 Truman Drive)	\$ 500.00
DE-561	91.04	6	Tian Ce (David) Zhong 16 North Pond Road Cresskill, NJ 07626	\$ 332.50

26. 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 qtr 2024	6	12.01	Corelogic Attn: Refunds Dept. 3001 Hackberry Road Irving, TX 75063 (for: 10 Merrifield Way)	\$12,715.93

27. RESOLUTION GRANTING TAX EXEMPT STATUS DISABLED VETERAN AND AUTHORIZING REFUNDING PROPERTY TAXES PAID

WHEREAS, Robert A. Pisillo, who resides 69 Madison Avenue (Block 26, Lot 15) in the Borough of Cresskill has been deemed a 100% permanently disabled veteran in accordance with the provisions of N.J.S.A. 54:4-3.30; and

WHEREAS, Robert A. Pisillo made the appropriate claim for tax exemption through the Borough of Cresskill Tax Assessor's Office as a 100% permanently disabled veteran and was approved effective April 30, 2024; and

WHEREAS, Robert A. Pisillo submitted an official letter from the Department of Veterans Affairs with the Borough of Cresskill Tax Assessor confirming this information; and

WHEREAS, Robert A. Pisillo is seeking a refund for property taxes paid as follows:

Q2 2024 \$1,970.00 (pro-rated)

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Cresskill, that the property known as 69 Madison Avenue (Block 26, Lot 15) is hereby designated as tax-exempt property owner, Robert A. Pisillo, is a 100% permanently disabled veteran effective May 1, 2024.

BE IT FURTHER RESOLVED that all property taxes on said property are hereby cancelled.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Cresskill, that a refund of property taxes paid is hereby granted and the Treasurer is authorized to issue a borough check payable as follows:

Payable to:
Robert A. Pisillo
69 Madison Avenue
Cresskill, NJ 07626

Total Refund \$1,970.00

28. AUTHORIZE EXECUTION OF LEASE AGREEMENT WITH T-MOBILE

WHEREAS, the Borough and T-Mobile Communications have had a long history of leasing Municipal Property to permit T-Mobile to construct a cell-tower located within our Municipality; and

WHEREAS, the current lease is about to terminate in July of 2024 and T-Mobile has requested that the lease be extended pursuant to mutual, acceptable terms; and

WHEREAS, the Borough Administrator, Dianne Lavin, and Borough Attorney, Christos Diktas, have been negotiating with T-Mobile in an attempt to finalize the Lease Agreement on behalf of the Borough.

NOW, THEREFORE, BE IT RESOLVED, the Council has hereby authorized Borough Administrator, Dianne Lavin, and Christos Diktas, Borough Attorney to finalize all Lease Negotiations with T-Mobile; and

BE IT FURTHER RESOLVED, that the Council does hereby authorize Mayor Benedict Romeo or his designee, Borough Administrator, Dianne Lavin, to execute the Lease Agreement between the Borough and T-Mobile; and

BE IT FURTHER RESOLVED, a certified to be true copy of this Resolution be served upon T-Mobile Communications, Attention: Dana Clifford, CFO, Dianne Lavin, Borough Clerk, Francesca Maragliano, and Borough Attorney, Christos J. Diktas.

29. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the following School Marshals be re-appointed for term of July 1, 2024 to June 30, 2025:

Yakov Shvartzayd	Renee Morgan	Yvonne Caldarulo
Donna Smith	John Amicucci	Zena (Zainab) Metwalli
Lisa Langan	Lauraine Bertero	John Cook
Bridget Roche	Boris Karalnik	Michael Gaeckle
Edward Giesemann	Goewoone Jung	Lewis Holzberg
Daniel Blackley		

30. WHEREAS, applications have been made to the Mayor and Council of the Borough of Cresskill for renewal of liquor licenses and the proper fees have been paid therefor; and

WHEREAS, all applicants have complied with the laws of the State of New Jersey and ordinances of the Borough of Cresskill;

NOW, THEREFORE, BE IT RESOLVED that the following licenses be approved for the year commencing July 1, 2024 and ending June 30, 2025, subject to approval of the Police and Fire Departments:

PLENARY RETAIL DISTRIBUTION LICENSE

Fee: \$828.00

New Jersey Package Store LLC Lic. No. 0208-44-004-007	Coasters	37 Union Avenue
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CLUB LICENSE

Fee: \$156.00

Camp Merritt Post #21 Lic. No. 0208-31-010-001	American Legion	75 Legion Drive
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PLENARY RETAIL CONSUMPTION LICENSE

Fee: \$1320.00

ZMBW LLC Lic. No. 0208-33-002-018	Scotty's Bar & Grill	172 Piermont Road
CC Club LLC Lic. No. 0208-33-005-010		Pocket
KIWAMI LLC Lic. No. 0208-33-001-005	Jugemu	156 Piermont Road
Dip Swig LLC Lic. No. 0208-33-006-006	Cresskill Tavern	29 East Madison Ave Unit #7

31. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following May 2024 payrolls be ratified and approved:

<u>May 3, 2024</u>	
Current Fund	\$ 359,150.29
Community Center	2,214.90
Pool	2,220.90
Library	<u>15,320.60</u>
	\$ 378,906.69

<u>May 17, 2024</u>	
Current Fund	\$ 355,777.95
Community Center	2,214.90
Library	<u>15,672.35</u>
	\$ 373,665.20

<u>May 31, 2024</u>	
Current Fund	\$ 342,306.40
Community Center	2,214.90
Library	<u>15,546.35</u>
	\$ 360,067.65

32. WHEREAS, the Borough of Cresskill, pursuant to Ordinance, has created the Cresskill Fire Department EMS; and

WHEREAS, the Fire Department EMS 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

WHEREAS, the following individual:

David Lugara – Firefighter Volunteer Division

has petitioned the Mayor seeking to become a Member of the Cresskill Fire Department EMS; 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 individual is 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 Firefighter Volunteer Division and Per Diem EMT EMS 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; Dianne Lavin, Administrator; Francesca Maragliano, Borough Clerk

33. WHEREAS, the Mayor and Council of the Borough of Cresskill on October 18, 2023 adopted Resolution No. 6 awarding a bid for the Reconstruction of Jefferson Avenue Sec. 5 to Marini Brothers Construction Co., Inc. in the amount of \$584,757.00; and

WHEREAS, Marini Brothers Construction Co., Inc. has requested payment for the current work completed to date; and

WHEREAS, the Borough Engineer, Azzolina & Fuery by way of letter dated June 10, 2024 (a copy of which is attached) has certified that the work is completed as stated and recommends progress payment #2 in the amount of \$264,868.72; 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 Marini Brothers Construction Co., Inc. in the amount of \$264,868.72.

Payment No. 2

CR-1018 – Reconstruction of Jefferson Avenue Section 5

Value Work Completed to Date	\$ 450,968.57
Less: 2% Retainage	\$ 9,019.37
<u>Less: Amount Previously Paid</u>	<u>\$ 177,080.48</u>
Total Amount Due	\$ 264,868.72

Amount due progress Payment #2	\$ 264,868.72
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34. RESOLUTION AUTHORIZING THE BOROUGH OF CRESSKILL
TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN
ACCORDANCE WITH P.L. 1994, C.72

WHEREAS, due to the County Board of Taxation unable to certify a tax rate due to various issues at the state level and the Municipal Tax Collector will be unable to mail the tax bills on a timely basis, it has become necessary to issue estimated tax bills for the 3rd Quarter of 2024 and;

WHEREAS, the Municipal Tax Collector in consultation with the Municipal Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and

they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated levies;

NOW, THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY ON 12TH DAY OF JUNE 2024 AS FOLLOWS:

1. The Borough of Cresskill Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2024 taxes. The Tax Collector shall proceed and take such actions as necessary.
2. The entire estimated levy for 2024 is hereby set at \$58,668,677.00 for an estimated tax rate of \$2.296.
3. In accordance with law the third installment of 2024 shall not be subject to interest until the later of August 10, 2024. Any payment received after August 10, 2024 shall have interest calculated from August 1, 2024.

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 Spina and seconded by Council Member Olmo to close the meeting to remarks on agenda items.

Roll Call: Yes – Unanimous Motion adopted.

37. Motion by Council Member Spina and seconded by Council Member Olmo 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 Spina and seconded by Council Member Olmo 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 Olmo and seconded by Council Member Spina:

(Resolution in full on pages 90A through 90P.)

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. Council Member Olmo thanked Acting CFO Lavin and Auditor Lerch for their hard work on the budget.

Council Member Savas said there are 2 kids riding around on motorized scooters without helmets and not obeying the traffic laws. Mayor Romeo said the Police will enforce the laws more stringently.

No one else wished to be heard.

- 41. Motion at 7:26 P.M. by Council Member Spina 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