

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

JUNE 26, 2024

1. Mr. Bonanno 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 7:10 P.M.
4. Present: Council Members Kaplan, McLaughlin, Savas, Schultz-Rummel, Spina
Also Present: Attorney Diktas, Administrator Lavin, Captain Lanzilotti, Officer Grubecki, Members of the Fire Department
Absent: Council Member Olmo
5. Mayor Romeo read a Proclamation and Chief Ulshoefer presented a bell to Volunteer Fireman Colin Van Tine for 50 years' service.

(Proclamation in full on page 91A.)

6. Motion by Council Member Savas and seconded by Council Member Spina to approve the minutes of the Mayor and Council Regular meeting of June 12, 2024.

All in Favor. None Opposed.

Motion adopted.

COMMUNICATIONS

7. Minutes of the following meeting:

Planning Board

June 11, 2024

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

8. Council Member Savas said Recreation's Summer Fun has started.

Council Member McLaughlin said Social Services Director Michele Wrixon is continuing to help some of our elderly residents and doing a good job.

Council Member Kaplan said the library's grand reopening was a big success. The Friends of the Library had a very nice presentation. Council Member Savas also commended Norma Shalhoub for a job well done. Mayor Romeo also commended Laura Chumas, Betty Cleary and Beryl Skog.

UNFINISHED BUSINESS

ORDINANCE ON FINAL READING

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

9. Motion at 7:16 PM by Council Member Schultz-Rummel and seconded by Council Member Savas to hear Ordinance No. 24-12-1648 on final reading by title only, Amend Chapter 226, Stormwater Management Article I Entitled Stormwater Control Regulations of the Revised General Ordinance of the Borough of Cresskill.

Roll Call: Yes – Unanimous Motion adopted.

(Ordinance in full on pages 84A through 84CC in Minutes of Regular Mayor and Council Meeting held June 12, 2024.)

10. The Borough Clerk announced the Ordinance was published in The Record on June 14, 2024, posted in Borough Hall, and copies made available to the public.
11. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
12. Mayor Romeo said we were mandated by the DEP to pass this ordinance.

No one else wished to be heard.

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

Roll Call: Yes – Unanimous Motion adopted.

14. 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. 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

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

Ordinance No. 24-13-1649 – Amend Chapter 80 Establishing Article II Live Poultry, Pigeons or Other Fowl Prohibited

15. Motion at 7:18 PM by Council Member Spina and seconded by Council Member Savas to introduce Ordinance No. 24-13-1649 on first reading by title only, Amend Chapter 80 Establishing Article II Live Poultry, Pigeons or Other Fowl Prohibited.

Roll Call: Yes – Unanimous Motion adopted.

(Ordinance in full on pages 92A through 92C.)

16. Resolution by Council Member Spina 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. 24-13-1649, entitled:

Income-eligible households, rent levels affordable to low-income or moderate-income households, and deed restrictions as required under affordable housing laws in NJ.

ADU's will not add to the Municipality's affordable housing requirements; and

WHEREAS, the only limitations on ADU's is that they must be smaller than the primary dwelling, as Senate Bill 2347 fails to restrict the size of ADU either by the number of bedrooms or square feet; and

WHEREAS, Senate Bill 2347:

- amends the list of permitted uses in our single and two-family zones without regard for local planning;
- revokes limitations on building and impervious coverage in our single and two-family districts, which will result in loss of pervious coverage that will increase runoff and flooding;
- eliminates existing RSIS parking standards applicable to ADU while encouraging the conversion and therefore loss of existing garage spaces; and

WHEREAS, the Borough has regulated land use and development for generations through the means of a locally adopted Zoning Ordinance; and

WHEREAS, after generations of careful and appropriate local zoning control, the Borough has developed into a desirable and diverse community welcoming a broad socioeconomic range of citizens, residing in a broad range of housing stock; and

WHEREAS, the single-family zone and two-family zone with lot sizes between 5000 and 40,000 square feet per single-family or two-family detached dwelling; and

WHEREAS, the Cresskill Planning Board carefully updates and revises its Master Plan as necessary, as required by Law; and

WHEREAS, the Borough has complied with all Fair Share Housing obligations; and

WHEREAS, the Borough of Cresskill has at all times upheld and endorsed the purposes of zoning as established by the Municipal Land Use Law.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Cresskill emphatically oppose Senate Bill 2347, not only for its detrimental impact on local zoning, but it's disregard and contradiction to existing land use regulations, infrastructure issues, quality of life, including parking, impervious coverage, traffic, and introduction of school age population which at this point is unattainable, as the school structures are physically unable to accept any additional students; and

BE IT FURTHER RESOLVED, a certified to be true copy of this Resolution be forwarded to Governor Phil Murphy, the New Jersey Legislature, Senator Holly T. Schepisi, Assemblymen Robert Auth, and John V. Azzariti Jr. M.D., all Municipalities in the State of New Jersey and the New Jersey League of Municipalities.

21. WHEREAS, the Recreation Committee has scheduled various programs; and

WHEREAS, the following participants were unable to attend due to a scheduling conflict;

NOW, THEREFORE, BE IT RESOLVED that the recreation fee be returned to:

Jongil Park
(for: Soobin & Junsoo Park)
111 6th Street
Cresskill, NJ 07626
Amount: \$45.00

22. 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 2023 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.

23. Resolution to Approve the Corrective Action Plan for the Fiscal Year 2023
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 2023 Audit Report submitted by the Chief Financial Officer.

24. WHEREAS, an application have been made to the Mayor and Council of the Borough of Cresskill for renewal of a liquor license and the proper fees have been paid therefore; and

WHEREAS, the applicant has 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 license 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 CONSUMPTION LICENSE

Fee: \$1320.00

Simsekyilmaz LLC
Lic. No. 0208-33-007-012

Samdan

178 Piermont Road

25. Chap 159 Resolution – Amendment to 2024 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 2024 Budget in the sum of \$ 23,368.57 which is now available from Clean Communities Program.

BE IT FURTHER RESOLVED, that a like sum of \$ 23,368.57 is hereby appropriated under the caption

General Appropriations
Operations Excluded from CAPS
State and Federal Programs Offset by Revenues
Clean Communities Program

Motions

26. Appoint Carol Koncelik as Borough Historian for term ending December 31, 2026.

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

27. Andi Falk, 4 Clark Street asked for an explanation of Resolution #6 (#23). Administrator Lavin said during our 2023 annual audit, one of our invoices wasn’t encumbered in the system so we needed to correct it.

Mayor Romeo said Resolution #3 (#20) is because the state wants to change the zoning laws to allow a second house on your property throwing all the zoning laws out the window. All the municipalities are opposed to it. Attorney Diktas added that the only

exigency is that the second house must be smaller than the original house. There is also no credit to COAH.

No one else wished to be heard.

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

Roll Call: Yes – Unanimous Motion adopted.

29. Motion by Council Member Savas and seconded by Council Member Spina 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.

30. Motion by Council Member Savas and seconded by Council Member Spina to adopt all items with an asterisk as a single question.

Roll Call: Yes – Unanimous Motion adopted.

PRESENTATION OF BILLS

31. Resolution by Council Member Schultz-Rummel and seconded by Council Member Savas

(Resolution in full on pages 97A through 97H.)

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.]

32. Orna Yochai, 180 13th Street said there have been numerous traffic accidents in the past four years at the corners of Grant and Brookside Avenues as well as Jefferson and Grant Avenues and urged the Mayor and Council to see what can be done. A resident from 251 Brookside Avenue said there is a blind spot which almost caused her to have an accident there.

Mayor Romeo said we've applied for rumble strips on Grant Avenue more than once as well as a traffic light at Jefferson and Grant and were turned down. Mayor Romeo said our hands are tied because the state and county have precedent over us on all streets. We are looking into the stop signs with lights and a speed monitoring machine for coming down Grant. We will also have patrols increased to give out tickets. Captain Lanzilotti said hopefully these additions will catch the driver's attention.

Andi Falk, 4 Clark Street said she believes the issue is drivers speeding down Grant Ave. Council Member Savas asked if we could put in a flashing red/yellow light at Jefferson and Grant. There's one in Haworth I find very effective. Captain Lanzilotti said it must be approved by the county and state and the number of cars travelling Grant Avenue is not enough. The volume drops off a lot when it's not school hours.

Council Member Schultz-Rummel asked isn't there a concern about line of sight. Captain Lanzilotti said that must be coordinated between the County and Borough Engineer.

Susan Murray, 120 Grant Avenue said this is a continuous school zone so maybe that would make a difference to the state. A resident asked when we last tried with the state, maybe things have changed. Mayor Romeo said we can do another study and reapply.

No one else wished to be heard.

33. Motion at 7:46 P.M. by Council Member Savas and seconded by Council Member Spina to close the meeting and adjourn.

All in Favor. None Opposed.

Motion adopted.

Benedict Romeo
Mayor

Francesca Maragliano
Borough Clerk