

## BOROUGH OF CRESSKILL

## MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

## REGULAR MEETING

OCTOBER 5, 2022

1. Chief Domville 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 7:13 P.M.
4. Present: Council Members Cleary, Olmo, Savas, Schultz-Rummel, Spina  
Also Present: Attorney Diktas, Chief Domville, Members of the Police Dept.  
Absent: Council Member Kaplan
5. Mayor Romeo read a Proclamation Commending Police Officers Wrightson and Vigorita.  
  
(Commendation in full on page 156A.)
6. Council Member Savas read a Memo of Appreciation from Chief Domville for Dispatcher Coyman.  
  
(Memo in full on page 156B.)
7. Police Chief Domville thanked the Mayor and Council for their recognition of not only Officers Wrightson and Vigorita, but of the entire Police Department.
8. Motion by Council Member Olmo and seconded by Council Member Savas to approve the minutes of the Mayor and Council Regular meeting of September 21, 2022.  
  
All in Favor. None Opposed. Motion adopted.

## COMMUNICATIONS

9. Minutes of the following meetings:

Board of Health  
Planning Board

June 21, 2022  
September 13, 2022

Filed.

## REPORTS OF COMMITTEES AND OFFICIALS

10. Council Member Spina said the BOH 5k run will be October 23<sup>rd</sup> starting at 9:00 am. All proceeds will go to the BOH newly established foundation and the CEF.  
  
Council Member Savas said the Library found a temporary annex to occupy during their interior renovations. The Recreation Dept. has some Halloween activities scheduled for the end of the month.  
  
Council Member Olmo said leaf collection will be beginning soon.

## NEW BUSINESS

## INTRODUCTION OF ORDINANCE

Ordinance No. 22-16-1598 – Amend Chapter 101-2 Construction Board of Appeals in its Entirety.

11. Motion at 7:22 PM by Council Member Schultz-Rummel and seconded by Council Member Savas to introduce Ordinance No. 22-16-1598 – Amend Chapter 101-2 Construction Board of Appeals in its Entirety on first reading by title only.

Roll Call: Yes – Unanimous Motion adopted.

12. Council Member Schultz-Rummel read the title:

BOROUGH OF CRESSKILL COUNTY OF BERGEN, STATE OF NEW JERSEY  
ORDINANCE RESCINDING ORDINANCE CHAPTER 101 CONSTRUCTION  
CODES, UNIFORM, SPECIFICALLY §101-2 CONSTRUCTION BOARD OF  
APPEALS IN ITS ENTIERTY

(Ordinance in full on page 157A.)

13. 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. 22-16-1598, entitled:

BOROUGH OF CRESSKILL COUNTY OF BERGEN, STATE OF NEW JERSEY  
ORDINANCE RESCINDING ORDINANCE CHAPTER 101 CONSTRUCTION  
CODES, UNIFORM, SPECIFICALLY §101-2 CONSTRUCTION BOARD OF  
APPEALS IN ITS ENTIERTY

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, October 19, 2022 at 8:00 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 according to law, 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.

Ordinance No. 22-17-1599 – Amend Chapter 6 Article XIV Garden Committee.

14. Motion at 7:24 PM by Council Member Schultz-Rummel and seconded by Council Member Savas to introduce Ordinance No. 22-17-1599 – Amend Chapter 6 Article XIV Garden Committee on first reading by title only.

Roll Call: Yes – Unanimous Motion adopted.

15. Council Member Schultz-Rummel read the title:

AMEND CHAPTER 6 – BOARDS AND COMMITTEES  
ARTICLE XIV – CRESSKILL GARDEN COMMITTEE

(Ordinance in full on page 157B.)

16. Resolution by Council Member Schultz-Rummel and seconded by Council Member Savas:



NOW, THEREFORE, BE IT RESOLVED that the following license be approved for the year commencing July 1, 2022 and ending June 30, 2023, subject to approval of the Police and Fire Departments:

PLENARY RETAIL CONSUMPTION LICENSE

Fee: \$1,320.00

CC Club LLC

Pocket

Lic. No. 0208-33-005-010

20. WHEREAS, Anthony Iovino, AIA, has been appointed Municipal Architect to design the Improvements to the Department of Public Works Offices; and

WHEREAS, Anthony Iovino presented a Proposal for the Structural Design as further outlined in his August 12, 2022, Correspondence, which is attached hereto and incorporated herein as if set forth in its entirety, in the amount of \$10,500.00;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Cresskill does hereby approve the Structural Design Fee Proposal submitted by Anthony Iovino, AIA, Municipal Architect for the Improvements of the Department of Public Works Offices;

BE IT FURTHER RESOLVED, that this Resolution be served upon Anthony Iovino, Borough Architect; Alison Altano, CFO; and Francesca Maragliano, Deputy Administrator/Borough Clerk.

21. WHEREAS, during the annual audit process it was noted the fixed asset inventory was last conducted in the year 2016; and

WHEREAS, AM Consultants presented a Proposal for the Fixed Asset Inventory Report as further outlined in the August 25, 2022, Correspondence, which is attached hereto and incorporated herein as if set forth in its entirety, in the amount of \$5,340.00;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Cresskill does hereby approve the Fixed Asset Inventory Fee Proposal submitted by AM Consultants.

BE IT FURTHER RESOLVED, that this Resolution be served upon Anthony Mastrogiovanni, AM Consultants Alison Altano, CFO; and Francesca Maragliano, Borough Clerk.

22. BE IT RESOLVED:

1. That the specifications for the Reconstruction of Magnolia Avenue – 2021 NJDOT Municipal Aid Program be and the same are hereby approved.
2. That immediately upon said approval and not later than thirty (30) days after the date thereof, the Clerk of this body be and hereby is directed to advertise for bids for the project at least ten (10) days before receipt of bids in The Record, a paper printed in this County.
3. That said advertisement shall read as follows:

BOROUGH OF CRESSKILL

Reconstruction of Magnolia Avenue

Sealed Bids for the Magnolia Avenue Improvements – 2021 NJDOT Municipal Aid Program will be received by the Borough of Cresskill, in the County of Bergen, and State of New Jersey, at the Municipal Office Building, 67 Union Avenue, Borough of Cresskill, New Jersey, on **Wednesday, October 26, 2022**, at **11:00 AM**, Prevailing Time, and then publicly opened and read aloud.

The principal work items of the project are as follows: Police Traffic Directors, Clearing Site, HMA Milling, 3" Or Less, Hot Mix Asphalt Pavement Repair, Hot Mix Asphalt 9.5M64 Surface Course, Curb Piece, Type "N-Eco", Cleaning And Repairing Drainage Structures, 9" x 18" Concrete Vertical Curb, Concrete Sidewalk, 4" Thick, Detectable Warning Surface, HMA Driveway, 2" Thick, Remove & Reset Concrete Pavers, Traffic Stripes, Long-Life Epoxy Resin, Yellow, 4" Wide, Traffic Markings, Thermoplastic, Regulatory & Warning Signs, Topsoil Spreading, 4" Thick, Fertilizing & Seeding, Type A-3, Straw Mulching and other incidental work.

The work of this project shall commence on or about March 15, 2023, weather permitting and shall be completed on or before June 15, 2023, weather permitting.

Copies of the Plans, Specifications and Contract Documents will be on file and open to public inspection at the Borough Clerk's Office, Municipal Building, 67 Union Avenue, Borough of Cresskill, New Jersey, on and after Monday, October 10, 2022, between the hours of 9:00 AM and 4:00 PM, Prevailing Time. Copies of the plans, specifications and contract documents may also be examined or obtained by properly qualified contractors at the office of Azzolina & Feury Engineering Inc., 30 Madison Avenue, Paramus, New Jersey, Telephone: (201) 845-8500, on and after Monday, October 10, 2022, between the hours of 9:00 AM and 4:00 PM, excluding legal holidays, upon payment of \$100.00, no part of which will be refunded.

Each Bid must be made upon the prescribed forms furnished with the Contract Drawings and Specifications, must be accompanied by a Consent of Surety, and by a certified or cashier's check, drawn on a solvent bank, or bid bond, in the sum of ten percent (10%) of the amount bid, but in no case more than \$20,000.00. The check or bid bond shall be made payable to the Borough of Cresskill, the Owner. The check or bid bond of the bidder to whom the Contract is awarded shall be held by the Owner as a guarantee that the Contract shall be executed and its performance properly secured and in default thereof, said check or bid bond and the amount represented thereby will be forfeited to the aforesaid Owner as liquidated damages. Bids must be accompanied, in the case of corporations not chartered in the State of New Jersey, by proper certificate that such corporation is authorized to do business in the State of New Jersey.

Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27.

Every corporation or partnership submitting a bid shall accompany said bid with a statement setting forth the names and addresses of all stockholders in the corporation who own ten percent (10%) or more of its stock of any class, or of all individual partners in the partnership who own a ten percent (10%) or greater interest therein. Said statement may also be submitted prior to the bid.

Any extra work, not originally contemplated under this Contract, shall be covered by a change order. In the event that such extra work involves labor or material for which a unit price has been bid, the aforementioned unit price which has been bid, shall be used to fix payment for this extra work, and shall be the maximum payable by the Borough therefor.

Each bid must be enclosed in a sealed envelope bearing the name and address of the bidder, be addressed to the Borough of Cresskill, Bergen County, New Jersey, and shall be endorsed: "Bid for Magnolia Avenue Improvements - 2021 NJDOT Municipal Aid, ENCLOSED - DO NOT OPEN". The Borough of Cresskill reserves the right to reject any and all bids, to waive any informalities or irregularities in the bids received, and to accept the bid from the lowest responsible bidder.

Francesca Maragliano  
Borough Clerk

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>QUAL</u> | <u>NAME</u>  | <u>AMOUNT</u> |
|--------------------------|--------------|------------|-------------|--|---------------|
| 4 <sup>th</sup> qtr 2022 | 182          | 29         |             | Legion LLC<br>2050 Center Avenue<br>Suite 410<br>Fort Lee, NJ 07024<br><i>(for: 23 Legion &amp; 25 Division)</i> | \$13,867.00   |

24. WHEREAS, the Cresskill Department of Public Works has requested the purchase of a Ventrac Sidewalk Snow Vehicle in the amount of \$21,280.70; and

WHEREAS, the Chief Financial Officer has verified that the funds are available;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cresskill authorizes the purchase under NJ State Contract #V00001346 from Storr Tractor Company, 3191 US Highway 22, Branchburgh, NJ 08876.

25. WHEREAS, the Cresskill Department of Public Works has requested the purchase of a Groundmaster 7210 Lawnmower in the amount of \$36,183.20; and

WHEREAS, the Chief Financial Officer has verified that the funds are available;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cresskill authorizes the purchase under Bergen Co-Op #22-09 from Storr Tractor Company, 3191 US Highway 22, Branchburgh, NJ 08876.

26. WHEREAS, in order for the Borough to efficiently operate a Municipal Complex, it requires the services of an experienced Borough Administrator; and

WHEREAS, the retirement of the previous Borough Administrator has left this position open.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of Cresskill do hereby direct Borough Clerk, Francesca Maragliano, to prepare, with the assistance of the Borough Attorney, a Request for Qualifications for the position of Borough Administrator; and

BE IT FURTHER RESOLVED, that Borough Clerk, Francesca Maragliano, is directed to publish the Request for Qualifications; and

BE IT FURTHER RESOLVED, that a Certified to be True Copy of this Resolution be tendered to Francesca Maragliano, Borough Clerk and Christos J. Diktas, Esq., Borough Attorney.

27. WHEREAS, the Borough of Cresskill's (hereinafter the "Borough") Contract with Municipal Inspection Corporation (hereinafter "MIC"), expired on June 30, 2022; and

WHEREAS, Robert Rusch, Construction Code Official, has recommended the reappointment of MIC as Elevator Sub Code Officials, and the Mayor and Council has accepted this recommendation; and

WHEREAS, the Council authorized the execution of a contract between the Borough and MIC dated June 15, 2022, with an expiration date of June 30, 2025; and

WHEREAS, the Department of Community Affairs has reviewed the Agreement and has requested the Agreement be amended to include language that if the payments made to MIC exceed the Bid Threshold that the Contract be deemed terminated effective immediately and that the services be taken to Public Bid pursuant to the Public Contract Law.

NOW THEREFORE BE IT RESOLVED, that the Council does hereby authorizes Borough Attorney Christos J. Diktas to amend the Contract between the Borough and MIC to include the DCA requirements; and

BE IT FURTHER RESOLVED, that the Council does here authorize Robert Rusch, Construction Code Official, to execute the contract on behalf of the Borough, amending the contract as required by the DCA; and

BE IT FURTHER RESOLVED, that a Certified to be True Copy of this Resolution be served upon: Joseph Delgrosso, Municipal Inspection Corp.; Robert Rusch, Construction Code Official, Francesca Maragliano, Borough Clerk; Alison Altano, CFO; Christos J. Diktas, Esq., Borough Attorney; and the DCA Attention: Chris Ferrara

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

28. Council Member Savas asked who the person-to-person liquor license transfer was for in Resolution #1 (#18). Borough Clerk Maragliano said it previously belonged to The Peddler and is now a Pocket license.

No one else wished to be heard.

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

Roll Call: Yes – Unanimous Motion adopted.

30. Motion by Council Member Olmo and seconded by Council Member Savas 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.

31. 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

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

(Resolution in full on pages 162A through 162F.)

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.]

33. Carole Sommer, 262 Piermont Road asked what the town is doing to prevent a recurrence of flooding at the high school. Mayor Romeo said the Army Corp of Engineer approved and will be funding a plan that will basically surround the High School with a berm. But the Federal Government moves slowly. Also, we hired a hydrologist that has been all through town and are working up a plan on how to mitigate flooding in the future. Everything is in the works. Council Member Spina said there is a temporary fix at the high school called a muscle wall. Ms. Sommer said we need policing on Piermont Road because of the heavy traffic and speeding from the detour from County Road. Mayor Romeo said Chief Domville will handle it.

Peter Lulaj, 173 Wilson Drive said he has a stream that runs through his property that is causing him a lot of problems. Bob Rusch saw the artery collapse. I can't get anyone to help me, so I want to fix it myself. Mayor Romeo said you cannot touch any waterways because all waterways are the purview of the State. About ten years ago a homeowner on Engle Street rerouted a stream on his own, a neighbor notified the DEP, and he was fined \$50,000. Mr. Lulaj said he just needs to get this resolved. Mayor Romeo said we'll have Neglia Engineering look at it. They're the experts and will tell you what you can and cannot do.

No one else wished to be heard.

34. Motion at 7:44 P.M. by Council Member Olmo and seconded by Council Member Cleary to close the meeting and adjourn to Closed Session.

All in Favor. None Opposed.

Motion adopted.

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

RESOLVED that pursuant to Subsection 7(b) of the Open Public Meetings Act the public can be excluded from a public meeting so that proceedings can be conducted in closed session and the Mayor and Council now intending to discuss:

pending or anticipated litigation involving Cresskill;

personnel matters involving employment, appointment, termination, evaluation, discipline or promotion of Cresskill personnel;

negotiations involving employees of Cresskill;

protection of the safety of public property;

matters which, if disclosed, would work an unwarranted invasion of privacy;

purchase or lease of real property;

deliberations after a public hearing that may result in the imposition of a penalty or loss or suspension of a license or permit;

matters which, if disclosed, would impair a right to receive United States Government funds;

matters rendered confidential by Federal or State law;

this meeting shall be continued in closed session and the discussion in closed session shall be disclosed to the public upon taking final action thereon, provided disclosure shall not release the attorney-client privilege or constitute an undue invasion of privacy.

RESOLVED further that although not now anticipated, the Mayor and Council reserve the right to return to open session upon conclusion of the closed session.

Roll Call: Yes – Unanimous.

Resolution adopted.

---

Benedict Romeo  
Mayor

---

Francesca Maragliano  
Borough Clerk