

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

MAY 16, 2018

1. Elliott Malone led the Salute to the Flag and Pledge of Allegiance.
2. The Deputy 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 7:38 P.M.
4. Present: Council Members Mueller, Olmo, Savas, Spina
Also Present: Attorney Salvatore, Borough Officials Laufeld, Mann, Maragliano, Chief Wrixon
Absent: Council Members Cleary, Tsigounis
5. Motion by Council Member Savas and seconded by Council Member Olmo to approve the minutes of the Mayor and Council Regular meeting of May 2, 2018.

Roll Call: Yes – Unanimous

Motion adopted.

COMMUNICATIONS

6. Minutes of the following meeting:

Planning Board

April 24, 2018

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Spina said there was a great turn out for the Environmental Commission's shredding day. An adjustment is needed for next year because the truck was full before everyone could get there paper shredded.

Council Member Savas said they are looking to hire some teachers to help supervise the campers at Summer Fun this year. We're also going to have a Camp Director reporting to Mrs. Mann. We have 328 campers enrolled and a waiting list we are doing our best to accommodate.

The 9-11 Memorial is coming along. Some of the trees in the memorial location came down from the storm the other night.

At the next Library Board meeting, we will be receiving a check from the Bolton family trust representative.

Council Member Olmo thanked the DPW, Police and Fire Depts. for the work they did caused by the storm the other night. We had some outages, but they were fixed quickly.

Council Member Mueller said he had an outage at his corner and there was a crew there within a half hour working on it.

Also, last week I spoke to one of our tax appeal attorneys and he caused the petitioner's attorney to dismiss three cases under frivolous litigation threat. If there's no mistake or legitimate reason, we've instructed our attorneys not to yield and force trials.

UNFINISHED BUSINESS

ORDINANCE ON FINAL READING

Ordinance No. 18-11-1523 – Amend Ordinance No. 18-04-1516 Replacing Existing Affordable Housing Ordinance.

8. Motion at 7:43 PM by Council Member Olmo and seconded by Council Member Mueller to introduce Ordinance No. 18-11-1523 – Amend Ordinance 18-04-1516 Replacing Existing Affordable Housing Ordinance on final reading by title only.

Roll Call: Yes – Unanimous Motion adopted.

9. Council Member Olmo read the title:

AMEND ORDINANCE NO. 18-04-1516 REPLACING EXISTING
AFFORDABLE HOUSING ORDINANCE

(Ordinance in full on page 95A in Minutes of Regular
Mayor and Council Meeting held May 2, 2018.)

10. The Deputy Borough Clerk announced the Ordinance was published in The Record on May 4, 2018, 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. No one wished to be heard.
13. Motion by Council Member Olmo and seconded by Council Member Mueller to close the public hearing.

Roll Call: Yes – Unanimous Motion adopted.

14. Resolution by Council Member Olmo and seconded by Council Member Mueller:

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. 18-11-1523, entitled:

AMEND ORDINANCE NO. 18-04-1516 REPLACING EXISTING
AFFORDABLE HOUSING ORDINANCE

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. 18-12-1524 – Amend Salary Ordinance No. 17-12-1506

15. Motion at 7:45 PM by Council Member Olmo and seconded by Council Member Savas to introduce Ordinance No. 18-12-1524 – Amend Salary Ordinance No. 17-12-1506 on first reading by title only.

Roll Call: Yes – Council Members Mueller, Olmo, Savas, Spina
No – None
Absent – Council Members Cleary, Tsigounis
Abstain – None
Motion adopted.

3. At termination of ceremonies, parade will march east on Union Avenue to Washington Street, south to East Madison Avenue, and terminate at the American Legion parking lot.

BE IT FURTHER RESOLVED that the Camp Merritt Post 21, American Legion, shall determine the order and participants in the parade.

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

WHEREAS, the following participants were unable to attend;

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

Dante Caridi
(for: Ava Caridi)
 1309 Tenakill Park West
 Cresskill, NJ 07626
 Amount: \$50.00

Sejong Park
(for: Hanna Park)
 29 Crest Drive South
 Cresskill, NJ 07626
 Amount: \$50.00

Sanggyu Han
(for: Yoojoon Han)
 13 Crest Drive North
 Cresskill, NJ 07626
 Amount: \$179.00

25. 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 2018; 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 Mayor and Council of the Borough of Cresskill, in the County of Bergen and State of New Jersey on the 16th day of May 2018 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 2018 taxes. The Tax Collector shall proceed and take such actions as necessary.
 2. The entire estimated levy for 2018 is hereby set at \$50,871,777.00 for an estimated tax rate of \$ 2.412.
 3. In accordance with law the third installment of 2018 shall not be subject to interest until the later of August 10, 2018. Any payment received after August 10, 2018 shall have interest calculated from August 1, 2018.
26. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the Law Firm of Diktas Gillen, P.C., 596 Anderson Avenue, Suite 301, Cliffside Park, NJ 07010 be retained as General Municipal Legal Consultants and Litigation Counsel for legal matters affecting the Borough including, but not limited to, Litigation, Transactions, Municipal and/or Governmental Law issues, etc., at an hourly rate of \$195.00.

BE IT FURTHER RESOLVED, that this Contract will be awarded without competitive bidding as a professional service under provisions of the Local Public Contract Law as

the attorneys are authorized by law to practice a recognized profession and it is not practicable to obtain competitive bids nor in the best interest of Cresskill to so do.

27. WHEREAS, the Borough of Cresskill (“Borough”) is currently a Defendant in litigation in the Matter of the Application of the Borough of Cresskill, Docket No. BER-L-006274-15; and

WHEREAS, the Borough has, in Good Faith, negotiated a Settlement with the Plaintiff and has agreed to implement a 2018 Housing Element and Fair Share Plan inclusive of implementing all required Ordinances which would bring the Borough into Council of Affordable Housing (COAH) Compliance; and

WHEREAS, the Housing Element and Fair Share Plan inclusive of Ordinances requires the Borough to retain an Employee who will be deemed the Borough’s Affordable Housing Administrative Agent; and

WHEREAS, the Mayor and Council is of the opinion that the position of the Affordable Housing Administrative Agent is highly specialized and requires extensive knowledge in the State’s COAH Regulations and mandated housing implementation; and

WHEREAS, the Borough is of the opinion that this position should be outsourced and has interviewed various entities; is of the opinion the Community Grants, Planning & Housing (CGP&H) of Cranbury, New Jersey, is the most qualified company and should be appointed the Borough’s Affordable Housing and Administrative Agent; and

WHEREAS, CGP&H is an approved New Jersey Department of Community Affairs Affordable Housing Administrative Agent; and

WHEREAS, CGP&H is currently responsible for monitoring thousands of units of affordable housing throughout 40 municipalities in New Jersey.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cresskill, in the County of Bergen and State of New Jersey does hereby appoint CGP&H as its Affordable Housing Administrative Agent.

BE IT FURTHER RESOLVED, that the Professional Fees for the first year of the Contract between the Borough and CGP&H are as follows:

1. One-time Project Setup fee	Hourly, not to exceed \$4,500.00 billed at \$120.00 per hour.
2. General Administration	Hourly, not to exceed \$1,000.00 per year billed at \$120.00 per hour.
3. Uploading Credits to State’s (CTM) reporting system and verification of all existing affordable rents (Per Settlement Agreement)	Billed hourly at \$120.00 per hour.
4. Accessory Apartment Program Setup	Not to exceed \$2,000.00 for first contract year, billed at \$120.00 per hour.
5. Accessory Apartment Program Implementation	Estimated not to exceed \$7,000.00 billed at \$120.00 per hour, except for income eligibilities which will be billed at \$85.00 per hour.
6. Reimbursement of Expenses	Not to exceed \$150.00 payable by the Borough, Developer or Landlord the amount shall be determined on project specifics, and as further outlined in subsequent new project agreement(s) with various Developers and Property Owners.
7. Historical Analysis Daibes Park/Hoke Site	Billed hourly at \$120.00 per hour.

BE IT FURTHER RESOLVED, that the scope and Professional Requirements to be undertaken by CGP&H shall be fully delineated in a Contract between the Borough and CGP&H; and

BE IT FURTHER RESOLVED, that the Mayor and Council directs the Borough Attorney to prepare a Contract on behalf of the Borough of Cresskill in a form presentable to Mayor Benedict Romeo for execution, as required by Law; and

BE IT FURTHER RESOLVED, that this Contract will be awarded without competitive bidding as Professional Service under provisions of the Local Public Contract Law; and

BE IT FURTHER RESOLVED, that a Certified True Copy of this Resolution be transmitted to CGP&H, 101 Interchange Plaza, Suite 301, Cranbury, New Jersey 08512; Harold E. Laufeld, III, Chief Financial Officer; Barbara Nasuto, Borough Clerk; and Steven Lydon, Borough Planner.

- 28. WHEREAS, application has been made by Brick City Investment Group LLC, T/A GRK Grill, 39 Union Avenue, Cresskill, New Jersey, for person-to-person transfer and place-to-place transfer of Plenary Retail Consumption License No. 0208-33-009-008; and

WHEREAS, the said applicant has complied with all applicable requirements of the Statutes of New Jersey; and

WHEREAS, no written objections to this transfer have been received; and

WHEREAS, the applicant has disclosed, and the authority reviewed, the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the authority has received a written statement under oath, affirming that the transferee is aware there are no obligations outstanding to the New Jersey alcoholic beverage manufacturers, wholesalers, and distributors;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following transfer license be approved:

<u>APPLICANT</u>	<u>T/A</u>
Brick City Investment Group LLC License No. 0208-33-009-008	GRK Grill 39 Union Avenue Cresskill, NJ 07626

- 29. BE IT RESOLVED:

1. That the specifications for the Collection of Solid Waste in the Borough of Cresskill 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

Collection of Solid Waste

Notice is hereby given that sealed bids will be received by the Mayor and Council of the Borough of Cresskill for the Collection of Solid Waste in the Borough of Cresskill, in the County of Bergen. Bids will be opened and read in public at the Municipal Building on Tuesday, July 24, 2018, at 10:00 AM Prevailing Time. Specifications and forms of bids for the proposed work are on file in the office of the Borough Clerk and may be inspected by prospective bidders during business hours on or after May 18, 2018.

Bidders will be furnished with a copy of the specifications on proper notice. Bids must be made on standard proposal forms in the manner designated therein and required by the specifications, must be enclosed in sealed envelopes bearing the name of the bidder on the outside, labeled "Collection of Solid Waste" and addressed to: Mayor and Council, Borough of Cresskill, and must be accompanied by a Non-Collusion Affidavit and a certified check or bid bond for not less than ten (10%) percent of the amount of bid, provided said check/bond need not be more than \$20,000 nor shall not be less than \$500 and be delivered at the place on or before the hour named above. The standard proposal form and the Non-Collusion Affidavit are attached to the supplemental specifications, copies of which will be furnished on application to the Borough Clerk.

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 of the lowest, responsible bidder.

Prior to the award of this Contract, and in accordance with Chapter 127, PL 1975, the Contractor shall file an Affirmative Action Plan with the State Treasurer.

By order of the Mayor and Council
Barbara Nasuto
Borough Clerk"

4. That the said Clerk be and hereby is empowered and directed to insert in the space for dates such convenient hour and day as will cause the opening of bids to take place not less than ten (10) days after the date of the first publication of the advertisement, to notify each and every member of this body, in writing, that a meeting thereof will be held on the day at the hour named to receive all bids sent or delivered.

30. BE IT RESOLVED:

1. That the specifications for the Collection of Recyclable Materials in the Borough of Cresskill 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

Collection of Recyclable Materials

Notice is hereby given that sealed bids will be received by the Mayor and Council of the Borough of Cresskill for the Collection of Recyclable Materials in the Borough of Cresskill, in the County of Bergen. Bids will be opened and read in public at the Municipal Building on Tuesday, July 24, 2018, at 11:00 AM Prevailing Time. Specifications and forms of bids for the proposed work are on file in the office of the Borough Clerk and may be inspected by prospective bidders during business hours on or after May 18, 2018.

Bidders will be furnished with a copy of the specifications on proper notice. Bids must be made on standard proposal forms in the manner designated therein and required by the specifications, must be enclosed in sealed envelopes bearing the name of the bidder on the outside, labeled "Collection of Recyclable Materials" and addressed to: Mayor and Council, Borough of Cresskill, and must be accompanied by a Non-Collusion Affidavit and a certified check or bid bond for not less than ten (10%) percent of the amount of bid, provided said check/bond need not be more than \$20,000 nor shall not be less than \$500 and be delivered at the place on or before the hour named above. The standard proposal

form and the Non-Collusion Affidavit are attached to the supplemental specifications, copies of which will be furnished on application to the Borough Clerk.

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 of the lowest, responsible bidder.

Prior to the award of this Contract, and in accordance with Chapter 127, PL 1975, the Contractor shall file an Affirmative Action Plan with the State Treasurer.

By order of the Mayor and Council
Barbara Nasuto
Borough Clerk”

4. That the said Clerk be and hereby is empowered and directed to insert in the space for dates such convenient hour and day as will cause the opening of bids to take place not less than ten (10) days after the date of the first publication of the advertisement, to notify each and every member of this body, in writing, that a meeting thereof will be held on the day at the hour named to receive all bids sent or delivered.

Motions

31. Appoint Catherine Muller to the Senior Citizens Center Board of Trustees for term ending December 31, 2020.

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

32. No one wished to be heard.
33. 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.

34. Motion by Council Member Savas and seconded by Council Member Olmo to consider all items marked with an asterisk as a single question.

On the question: The Deputy 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.

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

Roll Call: Yes - Unanimous Motion adopted.

PRESENTATION OF BILLS

36. Resolution by Council Member Olmo and seconded by Council Member Mueller:

(Resolution in full on pages 108A through 108J.)

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.]

37. Mayor Romeo said the four ton truck ban is for Cottage Place due to difficulty making the turn when going to the High School.
 The Memorial Day parade is May 28th beginning at 10:00 am. I look forward to seeing you all there.

No one else wished to be heard.

38. Motion by Council Member Savas and seconded by Council Member Mueller to close the meeting to remarks from the public.

Roll Call: Yes – Unanimous Motion adopted.

39. Motion at 7:49 P.M. by Council Member Savas and seconded by Council Member Mueller to adjourn the meeting.

Roll Call: Yes - Unanimous. Motion adopted.

Benedict Romeo
 Mayor

Patricia McKim
 Deputy Borough Clerk