

## BOROUGH OF CRESSKILL

## MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

SEPTEMBER 5, 2018

1. Deputy 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 7:44 P.M.
4. Present: Council Members Cleary, Mueller, Olmo, Spina, Tsigounis  
Also Present: Attorney Salvatore, Chief Wrixon, Deputy Chief Domville  
Absent: Council Member Savas
5. Motion by Council Member Tsigounis and seconded by Council Member Cleary to approve the minutes of the Mayor and Council Regular meeting of August 8, 2018.

Roll Call: Yes – Unanimous

Motion adopted.

## COMMUNICATIONS

6. Minutes of the following meetings:

Historical Committee  
Planning Board

June 28, 2018  
July 24, August 14 & 28, 2018

Filed.

## REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Spina said the Environmental Commission is working on a notice to send to the sports teams encouraging them to keep the fields clean.

Council Member Tsigounis said the Historical Committee met on August 23<sup>rd</sup> and are looking forward to working with Council Member Savas on the quasiqucentennial celebration.

## UNFINISHED BUSINESS

## ORDINANCE ON FINAL READING

Ordinance No. 18-16-1528 – Amend Chapter 275 Article XXX: Development Fees for Affordable Housing

8. Motion at 7:45 PM by Council Member Olmo and seconded by Council Member Cleary to introduce Ordinance No. 18-16-1528 – An Ordinance to Amend Chapter 275 Article XXX: Development Fees for Affordable Housing on final reading by title only.

Roll Call: Yes – Unanimous

Motion adopted.

9. Council Member Olmo read the title:

AN ORDINANCE TO AMEND CHAPTER 275 ARTICLE XXX:  
DEVELOPMENT FEES FOR AFFORDABLE HOUSING

(Ordinance in full on pages 136A through 136F in Minutes of Regular Mayor and Council Meeting held August 8, 2018.)

- 10. The Borough Clerk announced the Ordinance was published in The Record on August 10, 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. Mayor Romeo said this ordinance is just changing some of the language of the original ordinance for the COAH agreements.

No one else wished to be heard.

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

Roll Call: Yes – Unanimous Motion adopted.

- 14. Resolution by Council Member Olmo and seconded by Council Member Cleary:

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. 18-16-1528, entitled:

AN ORDINANCE TO AMEND CHAPTER 275 ARTICLE XXX:  
DEVELOPMENT FEES FOR AFFORDABLE HOUSING

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

Roll Call: Yes – Unanimous Resolution adopted.

- 15. Borough Clerk Maragliano explained all items on the Consent Agenda.

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CONSENT AGENDA

NEW BUSINESS

\*Resolutions

- 16. WHEREAS, a soil permit application and Planning Board application was required for this property; and

WHEREAS, an escrow account was established for this 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 Escrow account be made:

<u>Account No.</u>	<u>Block</u>	<u>Lots</u>	<u>Applicant</u>	<u>Amount</u>
DE-121	75	54.01	Avi Lavon Zim Zum Inc. 477 11 <sup>th</sup> Street Cresskill, NJ 07626 (for: 79 Cedar Street)	\$ 69.00

17. 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>
3 <sup>rd</sup> qtr 2018	54.01	71		CITIMORTGAGE Attn: Accounting 95 Methodist Hill Drive Suite 100 Rochester, NY 14623 <i>(for: 67 Cedar Street)</i>	\$2,851.00

18. A RESOLUTION TO AFFIRM THE BOROUGH OF CRESSKILL'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Borough of Cresskill to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act,

WHEREAS, the Mayor and Council of the Borough of Cresskill has determined that certain procedures need to be established to accomplish this policy;

NOW, THEREFORE BE IT ADOPTED by the Mayor and Council that:

**Section 1:** No official, employee, appointee or volunteer of the Borough of Cresskill by whatever title known, or any entity that is in any way of part of the Borough of Cresskill shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer or entity is engaged in or acting on behalf of the Borough of Cresskill's business or using the facilities or property of the Borough of Cresskill.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Cresskill to provide services that otherwise could be performed by the Borough of Cresskill.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Mayor and Council shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint, so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any

person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Mayor and Council shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Cresskill as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Mayor and Council shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Cresskill. This communication shall include a statement from the governing body expressing an unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Cresskill's web site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Borough of Cresskill in order for the public to be made aware of this policy and the Borough of Cresskill's commitment to the implementation and enforcement of this policy.

#### 19. RESOLUTION AMENDING PERSONNEL POLICIES AND PROCEDURES

WHEREAS, it is the policy of the Borough of Cresskill to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Borough of Cresskill maintains a Policies and Procedures Manual to effectuate the efficient and consistent treatment of all employees and further, to ensure that employees and prospective employees are treated in a manner consistent with the laws and regulations cited above; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund (hereinafter, the MEL), for which the Borough of Cresskill is a member, requires the update of the Borough of Cresskill's Policies and Procedures Manual to ensure compliance and adherence to recent changes to Federal and State laws and regulations and through recent court case rulings.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the revised Personnel Policies and Procedures Manual is hereby adopted.

BE IT FURTHER RESOLVED that as with past revisions to the Manual, these personnel policies and procedures revisions shall apply to all Borough of Cresskill officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Borough of Cresskill employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor and Council.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough of Cresskill's Risk Management Consultant, PIA, Inc. for their review and filing with the MEL in accordance with the requirements set forth by the Fund.

20. WHEREAS, William J. Weyer, T/A Punctual Pickups LLC, has applied for a Taxi/Limo Owner's License and has paid the required fees; and

WHEREAS, the vehicle has been inspected and approved by Chief Edward Wrixon;

NOW, THEREFORE, BE IT RESOLVED that the license be authorized for term ending December 31, 2018 subject to requirements of Chapter 246 of the Code of the Borough of Cresskill.

License No. 18-424  
2016 Toyota Sienna  
Serial # 5TDYK3DC0GS741422

21. WHEREAS, the Building Department issued CCO #20180145 for an inspection at 30 Poplar Street; and

WHEREAS, it was determined that there was an overpayment made for this inspection;

NOW, THEREFORE, BE IT RESOLVED that the proper officials be and hereby are directed to return the amount of one hundred dollars (\$100.00) to Sun An, 21 Norwood Place, Norwood, NJ 07648.

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

WHEREAS, the following participants are unable to attend;

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

<p>Tsadok Fox <i>(for: Omer &amp; Yuval)</i> 131 4<sup>th</sup> Street Cresskill, NJ 07626 Amount: \$650.00</p>	<p>Prashant Panavalli <i>(for: Jack Panavalli)</i> 424 Nelson Avenue Cliffside Park, NJ 07010 Amount: \$313.00</p>
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23. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the following persons be approved for part-time employment in the Cresskill Senior Activity Center, effective September 4, 2018 at an hourly rate of \$15.00.

Kelsey Constantino  
Michelle Wrixon  
Regina McGowan Morrissey

24. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that pursuant to the recommendation of the Library Board of Trustees, the following part time employment be made:

Kimberly Livingston      Librarian Intern      \$12.00/per hour      Eff. September 11, 2018

25. BE IT RESOLVED, as recommended by the Municipal Pool Commission, that the following refund be authorized from the Municipal Swim and Dive Team Account:

Refund of Bond Money for Swim and Dive Team:

Mr. & Mrs. Rodriguez  
 225 Hickory Avenue  
 Bergenfield, NJ 07621  
 Amount: \$80.00

Miscellaneous Business

26. Approve the following Raffle Licenses:

RL 1410	HSA Academy of St. Therese	October 20, 2018
RL 1411	HSA Academy of St. Therese	October 20, 2018

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

27. Mayor Romeo said Resolution #3 (#18) adopting Cresskill's Civil Rights Policy is state mandated every two years.

No one else wished to be heard.

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

Roll Call: Yes - Unanimous Motion adopted.

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

Roll Call: Yes - Unanimous Motion adopted.

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PRESENTATION OF BILLS

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

(Resolution in full on pages 146A through 146M.)

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. Mayor Romeo asked Steve Kelman of the *Northern Valley Press* to write an article on Cresskill's quasiquicentennial. Mr. Kelman said he already did after speaking to Council Member Savas, but will write another one when some of the festivities have been planned.

No one else wished to be heard.

33. Motion by Council Member Tsigounis and seconded by Council Member Cleary to close the meeting to remarks from the public.

Roll Call: Yes – Unanimous Motion adopted.

34. Motion at 7:51 P.M. by Council Member Tsigounis and seconded by Council Member Mueller to adjourn the meeting.

Roll Call: Yes - Unanimous.

Motion adopted.

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Benedict Romeo  
Mayor

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Francesca Maragliano  
Borough Clerk