

## BOROUGH OF CRESSKILL

## MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

MARCH 15, 2017

1. Francesca Maragliano 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 7:40 P.M.
4. Present: Council Members Cleary, Mueller, Savas, Spina  
Also Present: Attorney Salvatore, Borough Officials Laufeld, Mann, Captain Trumbetti  
Absent: Council Member Olmo  
Excused: Council Member Tsigounis
5. Motion by Council Member Spina and seconded by Council Member Cleary to approve the minutes of the Mayor and Council Regular meeting of March 1, 2017.

Roll Call: Yes – Unanimous

Motion adopted.

## COMMUNICATIONS

6. Minutes of the following meetings:

Municipal Pool Commission  
Planning Board

February 13, 2017  
February 28, 2017

Filed.

## REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Savas said the Municipal Alliance meeting was rescheduled due to the weather.  
The Community Center sub-committee met and we discussed some new ideas.  
We've sent out applications for the camp counselors for Summer Recreation. We've also made some changes on the counselor applications and camper's enrollment forms to clear up some gray areas that have come up. We met with the BOE and there is a parent's group for special needs children and we spoke about how our summer program can address the children's need. The parent's group would train and provide one on one high school senior mentors.

Council Member Cleary said he will attend the JIF meeting tomorrow night.

Council Member Mueller said the DPW did a great job cleaning up our roads after the snowstorm.

## NEW BUSINESS

## INTRODUCTION OF ORDINANCE

Ordinance No. 17-01-1495 – Amend Chapter 44 – Officers and Employees, Article VI – Borough Administrator

- 8. Motion at 7:44 PM by Council Member Savas and seconded by Council Member Cleary to introduce Ordinance No. 17-01-1495 Amend Chapter 44 – Officers and Employees, Article VI – Borough Administrator on first reading by title only.

Roll Call: Yes-Unanimous Motion adopted.

- 9. Council Member Savas read the title:

AMEND CHAPTER 44 – OFFICERS AND EMPLOYEES  
ARTICLE VI – BOROUGH ADMINISTRATOR

(Ordinance in full on page 40A.)

- 10. Resolution by Council Member Savas 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. 17-01-1495, entitled:

AMEND CHAPTER 44 – OFFICERS AND EMPLOYEES  
ARTICLE VI – BOROUGH ADMINISTRATOR

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, April 5, 2017 at 7:30 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 in full, 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.

- 11. Borough Clerk Nasuto explained all items on the Consent Agenda.

\*\*\*\*\*

CONSENT AGENDA

NEW BUSINESS

\*Resolutions

- 12. RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF CRESSKILL AND AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$6,461,500 BOND ANTICIPATION NOTE DATED MARCH 3, 2017 AND PAYABLE MARCH 2, 2018, AS "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

-----

WHEREAS, the Borough of Cresskill, in the County of Bergen, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations the interest on which is excluded from gross income for Federal income tax purposes and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough desires to designate a \$6,461,500 Bond Anticipation Note, dated March 3, 2017 and payable March 2, 2018 (the 'Note'), as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Cresskill, in the County of Bergen, New Jersey, as follows:

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Note be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2017.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2017.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough be and they hereby are authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2017 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

13. RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY  
VIA ON-LINE AUCTION

WHEREAS, the Borough of Cresskill is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Borough of Cresskill is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill, as follows:

1. The sale of surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Borough of Cresskill.
  2. The sale will be conducted online and the address of the auction is govdeals.com.
  3. The sale is being conducted pursuant to Local Finance Notice 2008-9.
  4. A list of the surplus property to be sold is indicated on Schedule A attached hereto.
  5. The surplus property as identified shall be sold in an “as is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
  6. The Borough of Cresskill reserves the right to accept or reject any bid submitted.
14. BE IT RESOLVED, by the Mayor and Council of the Borough of Cresskill that the following transfers be made in the 2016 budget appropriation reserves:

CURRENT ACCOUNT

	<u>Account</u>	<u>From</u>	<u>To</u>
Police – O/E	240-020	10,000.00	
Police – S/W	240-010		10,000.00
Gasoline	460-020	8,000.00	
Vehicle Maintenance	315-020		8,000.00
Total		18,000.00	18,000.00

15. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following March 2017 payrolls be ratified and approved:

March 3, 2017

Current Fund	\$ 317,592.44
Social Security/Medicare	13,946.22
Community Center	2,795.99
Library	<u>11,217.82</u>
	\$ 345,552.47

March 17, 2017

Current Fund	\$ 302,251.21
Social Security/Medicare	13,147.94
Community Center	2,759.41
Library	<u>12,586.94</u>
	\$ 330,745.50

16. WHEREAS, there exists a need to fill the administrative assistant position in the Borough Clerk’s office; and

WHEREAS, the position was advertised and interviews were conducted;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill, that Francesca Maragliano be approved for full-time employment as Administrative Assistant in the Borough Clerk's office, effective April 1, 2017, at a salary in accordance with Ordinance 16-14-1493.

17. WHEREAS, Cresskill-Alpine Baseball League has applied for a parade permit for Saturday, April 22, 2017, in accordance with the provisions of Section 230-67 of the Code of the Borough of Cresskill; and

WHEREAS, the said applicants appear to have met all requirements of the said code;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that a permit be issued to the Cresskill-Alpine Baseball League for a parade on Saturday, April 22, 2017, rain date Sunday, April 23, 2017 on the following route:

1. Assemble at the Cresskill High School at 9:30 AM.
2. Beginning at 10:00 AM, parade will march onto Cresskill Avenue, turn left onto Union Avenue and continue through town.
3. Parade will then proceed on Dogwood Lane and down Margie Avenue to the International Field at Piermont Road and Margie Avenue.

18.

### **2017 TEMPORARY BUDGET**

**WHEREAS**, an emergent condition has arisen with respect to various Appropriations listed below and no adequate provision has been made in the 2017 temporary appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

**WHEREAS**, said total emergency temporary resolutions adopted in the year 2017 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$1,345,000;

**NOW, THEREFORE, BE IT RESOLVED** (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A.40A:4-20:

1. The following temporary appropriations be and the same are hereby made for:

#### **OPERATIONS - WITHIN CAPS**

Financial Administration	
Other Expenses	\$ 7,000.00
Police Department	
Salaries and Wages	100,000.00
Police School Marshals	
Salaries and Wages	30,000.00
Fire Department	
Salaries and Wages	25,000.00
Emergency Medical Services	
Salaries and Wages	25,000.00
Library	
Other Expenses	70,000.00
Social Security	20,112.00
Public Employee's Retirement System	309,532.00
Police and Firemen's Retirement System	758,356.00
<b>Total</b>	<b>\$1,345,000.00</b>

2. That said emergency temporary appropriations will be provided for in the 2017 budget under the various titles listed above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

---

Benedict Romeo, Mayor

---

Barbara A. Nasuto, Borough Clerk

19. WHEREAS, the Building Department issued permit # 20160196 to SolarCity for work to be performed at 250 Piermont Road; and

WHEREAS, it was determined that the homeowner decided not to proceed and the project was cancelled;

NOW, THEREFORE, BE IT RESOLVED that the proper officials be and hereby are directed to return the amount of three hundred forty-two dollars (\$342.00) held under permit #20160196 to SolarCity, 203 Ridgewood Drive, Elmsford, NY 10523.

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

WHEREAS, the following participant was unable to attend;

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

Soomi Kim  
(for: Chloe Kim)  
177 Engle Street  
Cresskill, NJ 07626  
Amount: \$100.00

21. WHEREAS, soil permit applications and Planning Board applications were required for several properties; and

WHEREAS, escrow accounts were 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 refunds of Developer Escrow accounts be made:

<u>Account No.</u>	<u>Block</u>	<u>Lots</u>	<u>Applicant</u>	<u>Amount</u>
DE-018	73.01	35-37	37 Allen Street, LLC Alfonso & Sandra Diasparra 150 County Road Tenafly, NJ 07670 (for: 37 & 41 Allen Streets)	\$ 670.65
DE-040	210	3	Manuel & Katarina Alvarez 23 Kennedy Road Cresskill, NJ 07626	\$ 446.50
DE-082	90	21	Ronald Haboush 164 Truman Drive Cresskill, NJ 07626	\$ 163.75

DE-137	196	7	Belgorod, Inc. 650 East Palisade Avenue Englewood Cliffs, NJ 07632 <i>(for: 30 Clark Street)</i>	\$ 574.75
DE-161	104	28	Hagit Ben-Dor 422 Lafayette Street Cresskill, NJ 07626 <i>(for: 127 Lexington Avenue)</i>	\$ 14.25
DE-162	109	1-5	Orna Ben-Or & Ezra Sofer 226 Wilson Drive Cresskill, NJ 07626 <i>(for: 236 Grant Avenue)</i>	\$ 464.75
DE-170	90.01	12.01	Argo Construction Corp. 7 E. Ridgewood Avenue, 2 <sup>nd</sup> fl. Ridgewood, NJ 07450 <i>(for: 18 Lambs Lane)</i>	\$ 251.75
DE-183	19	1	Yongsung Construction LLC 78 Westervelt Place Cresskill, NJ 07626 <i>(for: 10 Cottage Place)</i>	\$ 361.75
DE-252	301	38	Ally Cicek Gungor 11 Adams Drive Cresskill, NJ 07626	\$ 30.24
DE-297	1.05	22	Elinor Romer 40 Douglas Drive Cresskill, NJ 07626	\$ 361.25
DE-1587	164	18-20 31-32	Michael & Marie Girman 80 Morningside Avenue Cresskill, NJ 07626 <i>(for: 73 Park Avenue)</i>	\$ 859.10
DE-1643	22	6	74 Prospect Ave. Cresskill LLC 500 Route 17 South, #209 Hasbrouck Heights, NJ 07604 <i>(for: 74 Prospect Avenue)</i>	\$1,660.00

22. BE IT RESOLVED, by the Mayor and Council of the Borough of Cresskill that the following old outstanding checks be cancelled from the records of the Borough.

Payroll Fund

<u>Date</u>	<u>Check No.</u>	<u>Amount</u>
02-21-14	156676	\$106.95
07-10-15	160782	\$108.25
08-21-15	161296	\$ 36.73
08-21-15	161408	\$194.43
05-13-16	163197	\$ .43
06-24-16	163466	\$ 5.79
06-24-16	163507	\$ 8.05
06-24-16	163509	\$ 1.71
06-24-16	163525	\$ 2.06
Total		\$464.40

23. WHEREAS, the developer of Willow Run has requested a bond reduction; and

WHEREAS, Azzolina & Feury Engineering Inc. has inspected the project and found the work has been satisfactorily completed to date in a portion of the project and recommends partial refund of bonds; and

WHEREAS, the Mayor and Council concurs with this recommendation;

NOW, THEREFORE, BE IT RESOLVED that the following bond portions be released:

Total Performance Guaranty	\$1,442,400.00
Reduction to	134,400.00
Surety Performance Guaranty	\$1,298,160.00
Reduction to	120,960.00
Cash Performance Guaranty	\$ 144,240.00
Reduction to	<u>13,440.00</u>
Amount to be refunded	\$ 130,800.00

NOW, THEREFORE BE IT FURTHER RESOLVED that the above reductions are subject to Pulte Homes of NJ, Limited Partnership providing the Borough with a two (2) year Maintenance Guaranty in the amount of \$163,500.00; which sum is equal to fifteen (15%) percent of the total cost of the improvements recognized as complete per Engineer's Performance Guaranty Estimate.

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

24. Richard Calabrese, 42 Engle Street said you passed a resolution for a temporary budget, when will the 2017 yearly budget become enacted. Mayor Romeo said in April.

Francesca Maragliano thanked the Mayor and Council for their offer of employment. I am very happy to accept and look forward to working in Cresskill.

No one else wished to be heard.

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

Roll Call: Yes - Unanimous Motion adopted.

26. Motion by Council Member Spina 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.

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

Roll Call: Yes - Unanimous Motion adopted.

\*\*\*\*\*



## PRESENTATION OF BILLS

28. Resolution by Council Member Spina and seconded by Council Member Cleary:

(Resolution in full on pages 47A through 47I.)

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.]

29. Richard Calabrese, 42 Engle Street asked if Cresskill had a Code Enforcement Official. Mayor Romeo advised it is Ed Rossi. Mr. Calabrese said he read in the newspaper that Closter's Code Enforcement Official will not be checking websites as Palisades Park does, looking for Airbnb's in town. Citizens should make a complaint if they think something is suspicious. Is that Cresskill's procedure? Mayor Romeo said we have people scanning the websites, but most of the information comes from the residents. Council Member Mueller said the ordinance is enforceable by the Code Enforcement Official.

No one else wished to be heard.

30. Motion by Council Member Spina and seconded by Council Member Cleary to close the meeting to remarks from the public.

Roll Call: Yes – Unanimous Motion adopted.

31. Motion at 7:51 P.M. by Council Member Spina and seconded by Council Member Cleary to adjourn the meeting.

Roll Call: Yes - Unanimous. Motion adopted.

---

Benedict Romeo  
Mayor

---

Barbara A. Nasuto  
Borough Clerk