

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

AUGUST 11, 2010

1. Joe Lepore 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 Press Journal and The Record and delivery to all members of the governing body.
3. Mayor Romeo called the meeting to order at 7:32 P.M.
4. Present: Council Members Brennan, Cleary, Savas, Tsigounis
Also Present: Attorney Salvatore, Borough Officials Vaccaro, Laufeld, McKim, Mann, Lieutenants Cebulski & Trumbetti
Absent: Council Members Mueller, Olmo
5. Motion by Council Member Savas and seconded by Council Member Cleary to approve the minutes of the Mayor and Council Regular meeting of July 14, 2010.

Roll Call: Yes – Unanimous

Motion adopted.

COMMUNICATIONS

6. Minutes of the following meetings:

| | |
|--------------------------|--------------------|
| Community Center | June 14, 2010 |
| Environmental Commission | June 17, 2010 |
| Planning Board | July 13 & 27, 2010 |
| Zoning Board | June 24, 2010 |

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Savas said the Summer Recreation program has ended and was very successful. Barbara Mann did a great job.

Council Member Cleary said he attended the JIF meeting.

NEW BUSINESS

INTRODUCTION OF ORDINANCE

Amended Ordinance No. 10-17-1396 - Amend Chapter 202 Property Maintenance Residential and Nonresidential

8. Motion at 7:36 P.M. by Council Member Cleary and seconded by Council Member Brennan to introduce Amended Ordinance No. 10-17-1396 - Amend Chapter 202 Property Maintenance Residential and Nonresidential on first reading by title only.

Roll Call: Yes – Unanimous

Motion adopted.

Orna Jackson
(for: Ben Jackson)
 185 Madison Avenue
 Amount: \$55.00

Alejandra Gonazalez
(for: Rodrigo Alanis)
 78 Morningside Avenue
 Amount: \$55.00

Karleen McDermott
(for: Thomas McDermott)
 117 Palisades Avenue
 Amount: \$60.00

Hyunji Ryu
(for: Soobyoung Ryu)
 66 Merritt Avenue
 Amount: \$15.00

Rashmuka Patel
(for: Sagar Patel)
 110 East Madison Avenue
 Amount: \$125.00

Joyce Kim
(for: Clayton Kim)
 30 Heatherhill Road
 Amount: \$62.00

Anita Caballero
(for: Carlos Caballero)
 55 Morningside Avenue
 Amount: 15.00

18. WHEREAS, the current structure of providing 9-1-1 Public Safety Accessing Points (PSAP) has resulted in a system, in which increasing costs are being imposed upon municipalities; and

WHEREAS, the cost per resident for said services varies throughout the County; and

WHEREAS, the costs and inequities of the current system have resulted in public safety organizations looking to participate in a unified and consolidated system; and

WHEREAS, for the densely populated metropolitan areas of Bergen County, this consolidation and shared infrastructure will result in savings passed on to municipalities while maintaining the performance and service levels on behalf of the operating entities; and

WHEREAS, sharing resources and reducing costs is a driving principle behind consolidation and consolidation will eliminate duplicate purchasing costs, reduce staffing costs and reduce comprehensive training costs; and

WHEREAS, consolidating communications operations still enables the operating entities to continue to carry out their duties with no perceived change in their normal operations; and

WHEREAS, Bergen County Communications, operated by the Bergen County Police Department, has the capability to provide 9-1-1 communications to the Borough of Cresskill at a cost of \$0.75 cents per resident; and

WHEREAS, the Borough of Cresskill is desirous of consolidating its 9-1-1 communications with the County Communications;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Cresskill that the Borough be and is hereby authorized to enter into an Agreement with the County of Bergen from September 1, 2010 through August 31, 2011 to receive 9-1-1 communications services at the cost of \$0.75 cents per resident; and

BE IT FURTHER RESOLVED, the Mayor be and is hereby authorized to execute the necessary Agreement with the County of Bergen, in a form to be approved by the Borough's counsel.

19. BE IT RESOLVED, as recommended by the Municipal Pool Commission, that the following refund from the Municipal Swim Club Account be authorized due to request for cancellation of membership:

Ruth Young
4 Tenakill Park Drive East
Cresskill, NJ 07626

Amount: \$165.00

20. WHEREAS, Salary Ordinance No. 10-13-1392 was adopted on May 5, 2010 which indicates the minimum and maximum base salaries for job titles in the Borough of Cresskill; and

WHEREAS, the audit report for the year ending December 31, 2009 has a recommendation indicating that the Mayor and Council approve a schedule identifying the job title and corresponding base salary;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Cresskill approve the schedule as indicated:

| | 2010 |
|-----------------------------------|--------------------|
| POSITION | BASE SALARY |
| Borough Administrator | 47,590.00 |
| Borough Clerk | 77,668.00 |
| Deputy Borough Clerk | 49,155.00 |
| Grants Administrator | 20,000.00 |
| Secretary - Full Time | 44,864.00 |
| Secretary - Part Time | 25.73 Per Hour |
| Municipal Housing Liaison | 5,616.00 |
| Tax Assessor | 24,451.00 |
| Tax Assessor Secretary | 22.99 Per Hour |
| Registrar | 26.51 Per Hour |
| Chief Financial Officer/Treasurer | 90,000.00 |
| Tax Collector | 54,789.00 |
| Deputy Tax Collector/Payroll | 48,754.00 |
| Tax Search Officer | 1,000.00 |
| Accounting Clerk | 43,701.00 |
| Accounting Clerk - Part Time | 8,879.00 |
| Construction Code Official | 54,821.00 |
| Fire - Sub-Code | 6,757.00 |
| Plumbing Sub-Code | 22,744.00 |
| Electrical Inspector | 13,861.00 |
| Building Dept Secretary | 42,463.00 |
| Property Maintenance Officer | 14,011.00 |
| Director of Human Services | 11,238.00 |
| Election Official | 8,086.00 |
| Fire Official/Assistants | 1,168.00 |
| Library Director | 72,914.00 |
| Library Assistant Director | 58,388.00 |
| Librarian | 43,626.00 |
| Librarian | 40,899.00 |
| Librarian | 34,854.00 |
| Library - Accounting Clerk | 4,252.00 |
| Library - Recording Secretary | 1,521.00 |
| Judge | 14,152.00 |
| Court Administrator | 21.25 Per Hour |
| Deputy Court Clerk | 15.00 Per Hour |
| Prosecutor | 10,697.00 |
| Public Defender | 2,335.00 |

| | |
|--|----------------|
| Planning Board - Recording Secretary | 9,147.00 |
| Chief of Police | 145,530.00 |
| Dispatcher | 31,572.00 |
| Dispatcher | 31,572.00 |
| Dispatcher | 32,819.00 |
| Dispatcher | 43,340.00 |
| Dispatcher | 44,648.00 |
| Dispatcher | 38,688.00 |
| Superintendent of Public Works | 122,707.00 |
| Superintendent of Public Works - C-2 License | 2,500.00 |
| Superintendent of Public Works - CPWM | 10,000.00 |
| Superintendent of Public Works - SWMC | 3,500.00 |
| Assistant Superintendent of Public Works | 111,734.00 |
| Assistant Superintendent of Public Works - C-2 License | 2,500.00 |
| Assistant Superintendent of Public Works – CPWM | 10,000.00 |
| DPW Secretary – Dispatcher | 43,344.00 |
| Recycling Coordinator | 9,400.00 |
| Recreation Director | 5,000.00 |
| Interim Recreation Director | 25,988.00 |
| Recreation Recording Secretary | 18.50 Per Hour |
| Assistant Summer Director | 2,800.00 |
| Arts & Craft Director | 1,950.00 |
| Assistant Arts & Craft Director | 1,150.00 |
| Nature Instructor | 1,350.00 |
| Community Center Director | 30,899.00 |
| Senior Citizens Director | 49,190.00 |
| Swim Club Pool Manager | 13,497.00 |
| Swim Club Assistant Pool Manager | 8,741.00 |
| Swim Club Assistant Pool Manager | 8,240.00 |
| Swim Club - Recording Secretary | 19.70 Per Hour |
| Zoning Board of Adjustment Recording Secretary | 20.02 Per Hour |

21. 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 2009 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.

22. WHEREAS, August 26, 2010 marks the 90th anniversary of the ratification of the 19th Amendment, guaranteeing women's right to vote, and

WHEREAS, the beginning of the debate over a woman's right to vote began at the world's first Woman's Rights Convention in Seneca Fall, NY in 1848; and

WHEREAS, the campaign continued for seventy-two years highlighted by the extraordinary efforts of New Jerseyan Alice Paul; and

WHEREAS, support for the movement grew and on August 26, 1920, the final state ratification for the amendment was passed and enfranchisement of women became law; and

WHEREAS, this date also marked the re-enfranchisement of women in New Jersey after an absence of 113 years; and

WHEREAS, this years 90th anniversary of the greatest single expansion of citizenship rights in the United States presents a remarkable opportunity both to honor the unrelenting tenacity and spirit of the multitude of women and men who worked to secure women's right to vote and also to illustrate how much can be achieved in a democratic society by the collective efforts of citizens committed to political reform; and

WHEREAS, it was the hope of our Foremothers who fought and died for Women's Suffrage that future generations of women would use that hard-won vote to make this a better world and to fight for full equality and justice for women.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Cresskill, that August 26, 2010, the 90th anniversary of the constitutional affirmation of women's right to vote in the United States, be celebrated by governing agencies at the local, state, and national level, as well as by educational institutions, workplaces, civic organizations, places of worship, and communities throughout the nation, with programs, events, proclamations, performances, parades, conferences, and other special ceremonies worthy of this uniquely important and historic occasion.

23. WHEREAS, the Mayor and Council of the Borough of Cresskill has adopted Ordinance 96-11-1146 enabling the municipality to participate in the Bergen County Community Development Program for 2010 through 2011; and

WHEREAS, this program requires a representative be appointed by the Council to represent the Borough on the Northern Valley Committee, having input into the funding recommendations made by that Committee.

NOW, THEREFORE, BE IT RESOLVED that Kevin Terhune be, and hereby is, appointed to serve as said representative, effective July 1, 2010 for term ending June 30, 2011.

NOW, THEREFORE, BE IT FURTHER RESOLVED that Andrew Vaccaro be, and hereby is appointed to serve as the Mayor's alternate, effective July 1, 2010 for term ending June 30, 2011.

24. WHEREAS, the Borough of Cresskill has entered into a Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8A-1 et seq. to participate in the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund; and

WHEREAS, said Agreement requires that one municipal representative be appointed by the governing body of the community to be part of the Open Space Trust Municipal Park Improvement and Land Acquisition Program Regional Committee for the term of one year coinciding with the fiscal year July 1, 2010 through June 30, 2011;

NOW, THEREFORE, BE IT RESOLVED, that the governing body hereby appoints Andrew Vaccaro as its representative to participate on the Open Space Trust Municipal Program Regional Committee.

25. Resolution to Approve the Corrective Action Plan for the Fiscal Year 2009
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 2009 Audit Report submitted by the Chief Financial Officer.

26. WHEREAS, the Borough of Cresskill has in their vehicle inventory a 1988 Chevy Ambulance, Vin No. 1GBJR34W2JJ122451; and

WHEREAS, it was determined that there was no further need for this vehicle as it would cost more to fix than the value of it; and

WHEREAS, DeMauro Towing has made an offer to purchase the vehicle, "as is";

NOW THEREFORE BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that said vehicle be sold to DeMauro Towing and the payment deposited in the General Funds.

27. 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 Stipulation of Settlement on property assessment for Block 210, Lot 24 for 2009:

2009

| | |
|-------------------------|----------------|
| Original Assessment: | \$1,471,800.00 |
| Tax Court Judgment: | \$1,271,800.00 |
| Decrease in Assessment: | \$ 200,000.00 |
| Tax Rate: | <u>2.214</u> |
| Tax Refund: | \$ 4,428.00 |

Check to: Michael I Schneck
Trustee for Low, Stanley & Cynthia
Schneck Law Group LLC
301 South Livingston Avenue
Suite 105
Livingston, NJ 07039

28. 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 Stipulation of Settlement on property assessment for Block 90.01, Lots 17.01 & 17.02 for 2009:

2009

| | |
|-------------------------|----------------|
| Original Assessment: | \$1,475,000.00 |
| Tax Court Judgment: | \$1,201,200.00 |
| Decrease in Assessment: | \$ 273,800.00 |
| Tax Rate: | <u>2.214</u> |
| Tax Refund: | \$ 6,061.94 |

Check to: Scott D. Heller Attorney Trust Account
Attorney At Law
530 Sylvan Avenue
2nd Floor, Suite 1
Englewood Cliffs, NJ 07632

29. WHEREAS, the Recreation Committee had scheduled a Shooting Stars Basketball Camp; and

WHEREAS, the program was cancelled by the instructor;

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

Maureen Cameron
(for: Brynn Cameron)
895 Lotus Avenue
Oradell, NJ 07649
Amount: \$150.00

Doreen Dominguez
(for: Madison Dominguez)
776 Schaefer Avenue
Oradell, NJ 07649
Amount: \$150.00

Alison Henderson
(for: Caton Henderson)
665 Park Avenue
Oradell, NJ 07649
Amount: \$150.00

Colleen Ippolito
(for: Christina Ippolito)
23 Stuart Place
Oradell, NJ 07649
Amount: \$150.00

Tina Nichols
(for: Madison Nichols)
701 Neill Court
Oradell, NJ 07649
Amount: \$150.00

Brenda Kay
(for: Daniella Kay)
447 Prospect Avenue
Oradell, NJ 07649
Amount: \$150.00

Donna Passaretti
(for: Christa Passaretti)
348 Elm Street

Pam Monaco
(for: Samantha Monaco)
36 Harvard Street

Oradell, NJ 07649
Amount: \$150.00

Cresskill, NJ 07626
Amount: \$150.00

Robert Moarkech
(for: *Celine Moarkech*)
176 Fifth Street
Cresskill, NJ 07626
Amount: \$150.00

Steven Lash
(for: *Sydney Lash*)
66 Everette Road
Demarest, NJ 07627
Amount: \$150.00

Pam Geisenheimer
(for: *Courtney & Sophie*)
136 Pine Terrace
Demarest, NJ 07627
Amount: \$300.00

30. 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 Stipulation of Settlement on property assessment for Block 209, Lot 4 for 2009:

2009

| | |
|-------------------------|----------------|
| Original Assessment: | \$2,100,000.00 |
| Tax Court Judgment: | \$1,750,000.00 |
| Decrease in Assessment: | \$ 350,000.00 |
| Tax Rate: | <u>2.214</u> |
| Tax Refund: | \$ 7,749.00 |

Check to: Michael I. Schneck
Trustee for Devterova, Izabella
Schneck Law Group LLC
301 South Livingston Avenue
Suite 105
Livingston, NJ 07039

31. 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 Stipulation of Settlement on property assessment for Block 135, Lot 111 for 2006 and 2007:

| | <u>2006</u> | <u>2007</u> |
|-------------------------|---------------|---------------|
| Original Assessment: | \$ 405,000.00 | \$ 405,000.00 |
| Tax Court Judgment: | \$ 350,000.00 | \$ 350,000.00 |
| Decrease in Assessment: | \$ 55,000.00 | \$ 55,000.00 |
| Tax Rate: | <u>1.870</u> | <u>1.990</u> |
| Tax Refund: | \$ 1,028.50 | \$ 1,094.50 |

Check to: William S. Winters
Attorney at Law
199 Route 18 South
East Brunswick, NJ 08816

32. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following July and August 2010 payrolls be ratified and approved:

July 30, 2010

| | |
|--------------------------|------------------|
| Current Fund | \$ 255,693.63 |
| Social Security/Medicare | 12,774.80 |
| Community Center | 2,549.20 |
| Municipal Pool | <u>19,024.94</u> |
| | \$ 290,042.57 |

August 13, 2010

| | |
|--------------------------|------------------|
| Current Fund | \$ 212,061.18 |
| Social Security/Medicare | 9,080.97 |
| Community Center | 1,932.58 |
| Municipal Pool | <u>20,785.23</u> |
| | \$ 243,859.96 |

33. WHEREAS, by resolution of the Mayor and Council, the Borough Clerk was authorized to advertise invitations to bidders in connection with Grant Ave. Improvement Program pursuant to Documents and Specifications entitled "Grant Ave. Improvement Program," and

WHEREAS, after due advertisement, bids were received at the Borough Hall on August 3, 2010 at 11:00 AM; and

WHEREAS, J. A. Alexander Inc., 130-158 John F. Kennedy Drive North, Bloomfield, NJ 07003 submitted a bid in the amount of \$196,450.57, which appears to be the lowest responsible bid received; and

WHEREAS, the Borough Engineer has reviewed the said bid compliance documents and is satisfied that the same can be accepted;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill, County of Bergen, and State of New Jersey, that the Grant Ave. Improvement Program contract be awarded to J. A. Alexander, Inc., and that the Mayor and Borough Clerk be, and hereby are, authorized to sign an agreement for same, subject to the following conditions:

1. Compliance with all provisions of the Notice to Bidders and applicable Plans and Specifications.
2. Execution of a contract.

AND BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Cresskill hereby waive any informality or irregularity in the bid of the Grant Ave. Improvement Program.

Miscellaneous Business

34. Approve the following Raffle Licenses:

| | | |
|---------|--------------------------------------|--|
| RL 1298 | Woman's Club Cresskill | 1/18/11, 2/15/11, 3/15/11, 4/15/11, 5/10/11 |
| RL 1299 | Cresskill Education Foundation, Inc. | September 27, 2010 |

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

35. Richard Calabrese, 42 Engle Street asked if the Recycling Coordinator position is somebody's second job or somebody's only job. Mayor Romeo said it is a state mandated job that requires certification and Chuck Vaccaro has had the position for approximately 15 years. He holds three or four jobs.

Mr. Calabrese said he's recently read articles in the local newspapers about towns that are having reassessments. As you know, I've had a problem with all the tax appeals that have been filed and settled. I think Cresskill should also have a reassessment so that homeowners pay only their fair share of taxes.

Livio Laganis, 201 Madison Avenue asked why Union Avenue was repaved only two years after the DPW fixed it up. Mayor Romeo said it is a County road and the County hired and paid for it to be repaved.

No one else wished to be heard.

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

Roll Call: Yes - Unanimous Motion adopted.

37. Motion by Council Member Savas and seconded by Council Member Brennan 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.

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

Roll Call: Yes - Unanimous Motion adopted.

PRESENTATION OF BILLS

39. Resolution by Council Member Brennan and seconded by Council Member Savas:

(Resolution in full on pages 132A through 132F.)

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.]

40. Joseph Lepore, 30 Buckingham Road commended the Mayor and Council for sponsoring the summer recreation program. We have a special needs child and he's had the best summer of his life. He has enjoyed every minute thanks to Barbara Mann and all the assistants working for the program.

Pauline Rooney, 5 Tenakill Park Drive East commended the owners of the old DiRese property for making it so beautiful.

William Zally, 24 Milton Street said the owners of the old DiRese property only put down one coat of macadam and they should probably have two or they will have water accumulation. It also looks like they installed the wrong type of irrigation system; some of the plants are dying. Mayor Romeo said we have no control over his property. Also, Mr. Vaccaro will contact the owner of Horizon Square regarding the fence and I am working on the other issue we discussed.

Kimberly Cupp-Moreno, 4 Lambs Lane gave a presentation concerning an incident at the swim club about a Pool Commission member screaming at an on-duty lifeguard. She also presented statistics including the percentages of deaths by drowning as well as the amount of time it can take a child to die by drowning. Ms. Cupp-Moreno said she sent a memo to the Mayor and Council regarding the incident, as well as filing a Police report citing Disorderly Conduct. Mayor Romeo said we are familiar with the story. Attorney Salvatore contacted you so you can go through the proper channels. Ms. Cupp-Moreno said she is here with respect to the civil element of the incident, which is the responsibility of the Borough, not the criminal element. Attorney Salvatore said after you present your case to the Pool Commission, they will make a decision and recommend to us a course of action. This is all spelled out in our ordinance of which I provided you a

copy. Mr. Salvatore asked Ms. Cupp-Moreno repeatedly if she has an action before the Municipal Court. Ms. Cupp-Moreno said she is intending to file a criminal complaint.

No one else wished to be heard.

41. Motion by Council Member Savas and seconded by Council Member Cleary to close the meeting to remarks from the public.

Roll Call: Yes – Unanimous Motion adopted.

42. Resolution by Council Member Savas and seconded by Council Member Brennan:

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.

43. Motion at 8:10 P.M. by Council Member Savas and seconded by Council Member Brennan to adjourn the meeting.

Roll Call: Yes - Unanimous. Motion adopted.

Benedict Romeo
Mayor

Barbara A. Nasuto
Borough Clerk