

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

FEBRUARY 1, 2017

1. Barbara Lederer 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 7:41 P.M.
4. Present: Council Members Cleary, Mueller, Olmo, Spina
Also Present: Attorney Salvatore, Borough Official Chief Wrixon
Absent: Council Member Savas
Excused: Council Member Tsigounis
5. Motion by Council Member Spina and seconded by Council Member Olmo to approve the minutes of the Mayor and Council Regular meeting of January 18, 2017.

Roll Call: Yes – Unanimous

Motion adopted.

COMMUNICATIONS

5. Minutes of the following meetings:

Planning Board

January 10, 2017

Municipal Pool Commission

December 21, 2016

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

6. There were no reports.
7. Borough Clerk Nasuto explained all items on the Consent Agenda.

CONSENT AGENDA

NEW BUSINESS

*Resolutions

8. WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2016 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and indicate the assent of the Borough of Cresskill to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that Cresskill endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designates Kevin Terhune, 325 Piermont Road, to ensure that the said application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

9. WHEREAS, the Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant monies received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Cresskill that the Borough of Cresskill hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2016 in the amount of \$9,552.33. Documentation supporting this submission is available at 325 Piermont Road and shall be maintained for no less than five years from this date.

Tax reimbursement certified by: Borough of Cresskill

Name of official: Harold Laufeld

Title of official: CFO/Treasurer

10. BE IT RESOLVED that the following solicitor's license, which has been approved by the Chief of Police, be issued under the provisions of Chapter 140 of the Code of the Borough of Cresskill for the term ending December 31, 2017:

17-934
George A. Corbo, Jr.
(Home Run IceCream)
25 South Prospect Avenue
Bergenfield, NJ 07621
Purpose: Ice Cream Sales

11. AUTHORIZING THE INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF CRESSKILL AND THE BOROUGH OF HILLSDALE, WITH RESPECT TO USE OF THE HILLSDALE INDOOR POLICE PISTOL RANGE

WHEREAS, the Governing Body of a Municipality may enter into a contract with another Municipality for the joint provisions within their jurisdictions of any service which either Municipality is empowered to render within its own jurisdiction pursuant to N.J.S.A. 40:8A-1, et.seq. known as the Interlocal Services Act; and

WHEREAS, the Borough of Cresskill is desirous of utilizing the Hillsdale Indoor Police Pistol Range to qualify their Police Officers; and

WHEREAS, the Borough of Hillsdale is in agreement with said services being provided and desires to set the fees and terms for use of the range by the Cresskill Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill, that Mayor Romeo is hereby authorized to sign said Interlocal Services Agreement and all other appropriate Borough professionals are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of said Agreement.

12. WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless, ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Borough of Cresskill; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill, County of Bergen, State of New Jersey, that

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Borough of Cresskill, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Cresskill.

- C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Cresskill, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Borough of Cresskill.
- D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Borough of Cresskill as an additional insured.
- E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- F. The Borough of Cresskill may impose “reasonable fees” for actual services made by any municipal governmental agency including (but not limited to) reasonable attorney’s fees, review by the Borough Engineer and any required police presence during the installation.
- G. Notwithstanding any provision contained herein, neither the Borough of Cresskill nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- H. This instrument shall be adopted on behalf of the Borough of Cresskill by the Mayor and Council of the Borough of Cresskill and attested to by the Borough of Cresskill Clerk who shall affix the Borough of Cresskill Seal thereto.
- I. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

STATEMENT

This resolution authorizes Verizon Wireless to use poles erected within the public right-of-way of the Borough of Cresskill by parties that have the lawful right to maintain such poles.

- 13. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that Bryan Gill and Goewoone E. Jung be approved for part-time employment as Police Dispatchers in the Cresskill Police Department, effective February 1, 2017 at a salary of \$13.01 per hour.
- 14. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that Kevin Morgan be appointed for part-time employment as School Marshal effective February 1, 2017, at salary of \$17.82 per hour.
- 15. WHEREAS, in order to satisfy the statutory obligation for implementation of Criminal Justice Reform, Bergen shall be instituting a policy which requires appointment on a provision basis of an Acting Municipal Court Administrator to undertake court duties when the Municipal Court Administrator is out on a scheduled and/or unscheduled leave of absence.

NOW, THEREFORE BE IT RESOLVED that the Borough of Cresskill agrees to enter into a Consent and Agreement with the Borough of Tenafly to share the professional services of the Municipal Court Administrator on a provision basis.

Miscellaneous Business

16. Approve the following Raffle License:

RL 1388 Cresskill Woman's Club April 28, 2017

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

17. Richard Calabrese, 42 Engle Street asked what is agenda #5 – Verizon. Attorney Salvatore said it is for use of the poles in the right-of-ways for their wireless service. Mr. Calabrese asked if it had anything to do with Fios. Mayor Romeo said no. He does not understand why Cresskill does not have it yet.

18. No one else wished to be heard.

19. 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.

20. Motion by Council Member Spina and seconded by Council Member Cleary 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.

21. 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

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

(Resolution in full on pages 24A through 24G.)

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.]

23. Barbara Lederer, 5 Tenakill Park Drive East said she lives in Cresskill Commons and she and the ladies present have three (3) major concerns about safety. One, the pot holes behind Daibes Park Residence and by Sunrise. Two, there are several free-standing signs by the entrance on Madison Avenue that impede sight when turning. Three, are the garbage areas behind Daibes and Sunrise. Mrs. Longo passed around Barbara's phone that showed pictures of these complaint areas. The Mayor and Council looked at the pictures. Mayor Romeo said he would ask our DPW Supt. to check the potholes and have the Building Department notify Daibes and Sunrise that they must be fixed shortly.

Regarding the signs, he will have our DPW Supt. remove them. He will contact our Health Department to have them inspect the garbage areas and report back.

No one else wished to be heard.

24. 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.

25. Motion at 7:56 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