

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETINGJANUARY 18, 2023

1. Dianne Lavin 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 7:08 P.M.
4. Present: Council Members Cleary, Olmo, Schultz-Rummel, Spina
Also Present: Attorney Diktas, Chief Domville, Chief Ulshoefer
Absent: Council Members Kaplan, Savas
5. Motion by Council Member Spina and seconded by Council Member Olmo to approve the minutes of the Mayor and Council Sine Die and Annual Meetings of January 4, 2023.

All in Favor. None Opposed.

Motion adopted.

COMMUNICATIONS

6. Minutes of the following meeting:

Planning Board

December 13, 2022

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Spina said the BOH have their winter newsletter ready to go. They met with the Mayor's Wellness Campaign Association and are working on an assembly with the Middle/High Schools regarding mental health and drug and alcohol use. The results of the survey the BOH has on our website will be available soon.

Council Member Olmo said the Fire Dept. has their new truck it will be in service next month.

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

Ordinance No. 23-01-1602 – An Ordinance to Fix the Salaries, Wages and Compensation of the Officers and Employees of the Borough of Cresskill – Year 2023

8. Motion at 7:11 PM by Council Member Olmo and seconded by Council Member Cleary to introduce Ordinance No. 23-01-1602 on first reading by title only, An Ordinance to Fix the Salaries, Wages and Compensation of the Officers and Employees of the Borough of Cresskill – Year 2023.

Roll Call: Yes – Council Members Cleary, Olmo, Schultz-Rummel, Spina
No – None
Absent – Council Members Kaplan, Savas
Abstain – None
Motion adopted.

(Ordinance in full on pages 17A through 17E.)

9. Resolution by Council Member Olmo and seconded by Council Member Schultz-Rummel:

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. 23-01-1602, entitled:

AN ORDINANCE TO FIX THE SALARIES, WAGES AND
COMPENSATION OF THE OFFICERS AND EMPLOYEES
OF THE BOROUGH OF CRESSKILL - YEAR 2023

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, February 1, 2023, at 7:00 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 – Council Members Cleary, Olmo, Schultz-Rummel, Spina
 No – None
 Absent – Council Members Kaplan, Savas
 Abstain – None
 Resolution adopted.

10. Borough Clerk Maragliano explained all items on the Consent Agenda.

CONSENT AGENDA

NEW BUSINESS

*Resolutions

11. BE IT RESOLVED:

1. That the specifications for the Cresskill Fire Department Roof Replacement 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:

Sealed Bids for Cresskill Fire Department Roof Replacement will be received by the Borough of Cresskill, in the County of Bergen, and State of New Jersey, at the Municipal Office Building, 67 Union Avenue, Borough of Cresskill, New Jersey, on Wednesday, February 22, 2023, at 11:00 AM, Prevailing Time, and then publicly opened and read aloud.

The Work of Project is defined by the Contract Documents and includes, but is not limited to, the installation of new asphalt shingle roofing system, gutters, leaders and trim and other Work indicated in the Contact Documents. The existing roofing is to be removed to the deck.

The work of this project shall be completed no later than 90 days from notice to proceed, weather permitting.

Copies of the Plans, Specifications and Contract Documents will be on file and open to public inspection at the Borough Clerk's Office, Municipal Building, 67 Union Avenue, Borough of Cresskill, New Jersey, on and after Friday, January 20, 2023, between the hours of 9:00 AM and 4:00 PM, Prevailing Time. The Bid Documents may be obtained directly from the Architect's office as an electronic PDF document. Bidders must request bid documents via email at office@aiarchs.com. All questions regarding the project should be directed to the Architect and received in writing only via email to: office@aiarchs.com.

Each Bid must be made upon the prescribed forms furnished with the Contract Drawings and Specifications, must be accompanied by a Consent of Surety, and by a certified or cashier's check, drawn on a solvent bank, or bid bond, in the sum of ten percent (10%) of the amount bid, but in no case more than \$20,000.00. The check or bid bond shall be made payable to the Borough of Cresskill, the Owner. The check or bid bond of the bidder to whom the Contract is awarded shall be held by the Owner as a guarantee that the Contract shall be executed and its performance properly secured and in default thereof, said check or bid bond and the amount represented thereby will be forfeited to the aforesaid Owner as liquidated damages. Bids must be accompanied, in the case of corporations not chartered in the State of New Jersey, by proper certificate that such corporation is authorized to do business in the State of New Jersey.

Bidders electing to receive the specifications from a third party, or any other service or entity assume the responsibility of ensuring they receive any issued revisions or addenda.

Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27.

Every corporation or partnership submitting a bid shall accompany said bid with a statement setting forth the names and addresses of all stockholders in the corporation who own ten percent (10%) or more of its stock of any class, or of all individual partners in the partnership who own a ten percent (10%) or greater interest therein. Said statement may also be submitted prior to the bid.

Any extra work, not originally contemplated under this Contract, shall be covered by a change order. In the event that such extra work involves labor or material for which a unit price has been bid, the aforementioned unit price which has been bid, shall be used to fix payment for this extra work, and shall be the maximum payable by the Borough therefor.

Each bid must be enclosed in a sealed envelope bearing the name and address of the bidder, be addressed to the Borough of Cresskill, Bergen County, New Jersey, and shall be endorsed: "Cresskill Fire Department Roof Replacement, ENCLOSED - DO NOT OPEN". 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 from the lowest responsible bidder.

12. 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.
13. 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 212, Lot 1 for 2019 and 2020:

	<u>2019</u>	<u>2020</u>
Original Assessment:	\$ 1,736,500.00	\$ 1,722,500.00
Tax Court Judgment:	\$ 1,550,000.00	\$ 1,550,000.00
Decrease in Assessment:	\$ 186,500.00	\$ 172,500.00
Tax Rate:	<u>2.407</u>	<u>2.432</u>
Tax Refund:	\$ 4,489.06	\$ 4,195.20
 Total:	 \$ 8,684.26	

Check to: Lawrence Fink
c/o Garippa, Lotz & Giannuario
66 Park Street
Montclair, NJ 07042

14. BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that Robert Turner be approved as Part Time Recycling Center Attendant in the Public Works Department at a salary of \$15.00 per hour, effective immediately.
15. WHEREAS, application has been made by New Jersey Package Store LLC, T/A Cresskill Liquor, 37 Union Avenue, Cresskill, New Jersey, for a person-to-person transfer of Plenary Retail Distribution License No. 0208-44-004-006; 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:

APPLICANT

New Jersey Package Store LLC
License No. 0208-44-004-006

T/A

Cresskill Liquors
37 Union Avenue
Cresskill, NJ 07626

16. 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 81, Lot 1 for 2016, 2017, 2020 & 2021:

	<u>2016</u>	<u>2017</u>
Original Assessment:	\$ 5,635,300.00	\$ 5,635,300.00
Tax Court Judgment:	\$ 5,328,000.00	\$ 5,328,000.00
Decrease in Assessment:	\$ 307,300.00	\$ 307,300.00
Tax Rate:	<u>2.641</u>	<u>2.722</u>
Tax Refund:	\$ 8,115.79	\$ 8,364.71
	<u>2020</u>	<u>2021</u>
Original Assessment:	\$ 7,688,900.00	\$ 7,688,300.00
Tax Court Judgment:	\$ 7,272,400.00	\$ 7,271,800.00
Decrease in Assessment:	\$ 416,500.00	\$ 416,500.00
Tax Rate:	<u>2.432</u>	<u>2.407</u>
Tax Refund:	\$ 10,129.28	\$ 10,170.93

Check to: Heinze Law, PA Attorney Trust Account
383 Main Street, Suite 101
Chatham, NJ 07928

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

17. No one wished to be heard.
18. Motion by Council Member Spina and seconded by Council Member Olmo to close the meeting to remarks on agenda items.

Roll Call: Yes – Unanimous Motion adopted.

19. Motion by Council Member Spina and seconded by Council Member Olmo 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.

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

Roll Call: Yes – Unanimous Motion adopted.

PRESENTATION OF BILLS

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

(Resolution in full on pages 20A through 20I.)

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.]

22. Lawrence Fink, 160 Hoover Drive showed the Mayor and Council pictures of water runoff coming down to his home from Eisenhower Drive. When it freezes, he's concerned that drivers will not be able to stop at the stop sign on the corner and there will be an accident. Mayor Romeo advised that we have hired Neglia Engineering who have begun to investigate the flooding issues we seem to have up the hill. Mr. Fink said he heard the water is from a house above him that had work done to alleviate the water flow from their property. Clerk Maragliano said she will talk to the Building Dept. as they have been up to Eisenhower Drive for water issues.

Stephanie Cropper, 217 9th Street asked who will receive the US Army Corp. of Engineers report on the High School flooding. The BOE said they have no information to provide. Mayor Romeo said we haven't received it yet. We will let the residents know when we get it so they can review it. Ms. Cropper asked if there's any mitigation that can be done before their report. Council Member Olmo said we can't dig or do any work on the brook. Ms. Cropper thanked the Mayor & Council for pressing the BOE to put the muscle wall up. Parents were also asking, and we were told it would be taken care of. Ms. Cropper asked if the BOE liaison contacted the new School Supt. Dr. Hughes. Mayor Romeo said he and Chief Domville met with Dr. Hughes and had a good meeting. We asked for better communication between the BOE and ourselves.

No one else wished to be heard.

23. Motion at 7:29 P.M. by Council Member Spina and seconded by Council Member Olmo to close the meeting and adjourn to Closed Session.

All in Favor. None Opposed.

Motion adopted.

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

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.

Benedict Romeo
Mayor

Francesca Maragliano
Borough Clerk