

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

AUGUST 16, 2023

1. Chief Ulshoefer 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 7:10 P.M.
4. Present: Council Members Cleary, Kaplan, Olmo, Savas, Schultz-Rummel, Spina
Also Present: Attorney Gillen, Administrator Lavin
5. Motion by Council Member Spina and seconded by Council Member Cleary to approve the minutes of the Mayor and Council Regular meeting of July 19, 2023.

All in Favor. None Opposed.

Motion adopted.

COMMUNICATIONS

6. Minutes of the following meetings:

Planning Board

July 11 & 25, 2023

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

7. Council Member Savas said Recreation's summer camp is over and we've received good feedback. The August camps have good numbers, and the fall brochures should be out next week. The library construction is moving along.

Council Member Schultz-Rummel said 3rd quarter tax delinquent notices will be mailed the end of this week.

Council Member Kaplan said Trustee President of the Teaneck library told him Community Development Block grant funds are available for making the restrooms ADA compliant. Administrator Lavin said Librarian Laura Chumas will be contacting our grant writers.

Council Member Spina said we've received positive feedback from residents on Phase 1 of the Cranford Park renovations.

UNFINISHED BUSINESS

ORDINANCE ON FINAL READING

Ordinance No. 23-19-1620 – An Ordinance to Amend Ordinance No. 22-02-1584 Authorizing the Sale of Unused Property to the United Way of Bergen County a Recognized Section 501(C)(3) Corporation.

8. Motion at 7:15 PM by Council Member Olmo and seconded by Council Member Cleary to hear Ordinance No. 23-19-1620 on final reading by title only, An Ordinance to Amend Ordinance No. 22-02-1584 Authorizing the Sale of Unused Property to the United Way of Bergen County a Recognized Section 501(C)(3) Corporation.

Roll Call: Yes – Unanimous Motion adopted.

(Ordinance in full on pages 127A through 127B in Minutes of Regular Mayor and Council Meeting held July 19, 2023.)

9. The Borough Clerk announced the Ordinance was published in The Record on July 21, 2023, posted in Borough Hall, and copies made available to the public.
10. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
11. No one wished to be heard.
12. Motion by Council Member Olmo and seconded by Council Member Savas to close the public hearing.

Roll Call: Yes – Unanimous Motion adopted.

13. Resolution by Council Member Olmo and seconded by Council Member Savas:

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. 23-19-1620, entitled:

ORDINANCE AMENDING BOROUGH OF CRESSKILL ORDINANCE
NO. 22-02-1584 AUTHORIZING THE SALE OF UNUSED PROPERTY TO THE
UNITED WAY OF BERGEN COUNTY A RECOGNIZED SECTION 501 (C) (3)
CORPORATION

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

Roll Call: Yes – Unanimous Resolution adopted.

NEW BUSINESS

INTRODUCTION OF ORDINANCE

Ordinance No. 23-20-1621 – Amend Chapter 263-32, Schedule I, No Parking on Broadway

14. Motion at 7:16 PM by Council Member Savas and seconded by Council Member Olmo to introduce Ordinance No. 23-20-1621 on first reading by title only, Amend Chapter 263-32, Schedule I, No Parking on Broadway.

Roll Call: Yes – Unanimous Motion adopted.

(Ordinance in full on page 138A.)

15. Resolution by Council Member Savas and seconded by Council Member Olmo:

BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill in the County of Bergen and State of New Jersey, that the following Ordinance entitled:

AN ORDINANCE TO AMEND CHAPTER §263-32 SCHEDULE I
NO PARKING ON BROADWAY

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, September 6, 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 ordinances 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.

Ordinance No. 23-21-1622 – Amend Chapter 226 Stormwater Management creating Article XI Privately Owned Salt Storage.

16. Motion at 7:18 PM by Council Member Olmo and seconded by Council Member Cleary to introduce Ordinance No. 23-21-1622 on first reading by title only, Amend Chapter 226 Stormwater Management creating Article XI Privately Owned Salt Storage.

Roll Call: Yes – Unanimous Motion adopted.

(Ordinance in full on pages 139A through 139C.)

17. 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 the following Ordinance entitled:

AN ORDINANCE TO AMEND CHAPTER 226 STORMWATER MANAGEMENT
CREATING ARTICLE XI PRIVATELY OWNED SALT STORAGE

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, September 6, 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 ordinances 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.

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

CONSENT AGENDA

NEW BUSINESS

*Resolutions

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

WHEREAS, the following participants were unable to attend;

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

| | | |
|---|--|---|
| Yehudit Zur <i>(for: Amit Zur)</i> 22 Adele Avenue Demarest, NJ 07627 Amount: \$562.50 | Michelle Chang <i>(for: Lila Chang)</i> 73 Merritt Avenue Cresskill, NJ 07626 Amount: \$176.00 | Anabelle Barlev <i>(for: Leah Barlev)</i> 91 11 th Street Cresskill, NJ 07626 Amount: \$180.00 |
| Hack Kim <i>(for: Noah Kim)</i> 480 5 th Street Closter, NJ 07624 Amount: \$320.00 | Hadar Levy <i>(for: Shalev Levy)</i> 184 4 th Street Cresskill, NJ 07626 Amount: \$132.00 | Gina Yu <i>(for: Claire Gill)</i> 73 5 th Street Cresskill, NJ 07626 Amount: \$132.00 |
| Einat Stern Chai <i>(for: Idan Chai)</i> 251 Brookside Avenue Cresskill, NJ 07626 Amount: \$96.00 | Angie Kim <i>(for: Allison Rhee)</i> 120 Brookside Avenue Cresskill, NJ 07626 Amount: \$355.00 | Batel Lieberman <i>(for: Alon Lieberman)</i> 20 Pershing Place Cresskill, NJ 07626 Amount: \$400.00 |
| Kyung Min Lee <i>(for: Gia Han)</i> 48 Park Avenue Cresskill, NJ 07626 Amount: \$120.00 | | |

20. BE IT RESOLVED, as recommended by the Senior Center, that the following refunds be made due to cancelation of a senior trip to:

| | |
|--|--|
| Mary Rose Pasi 98 South Street Cresskill, NJ 07626 Amount: \$178.00 | Marie Magno 104 South Street Cresskill, NJ 07626 Amount: \$178.00 |
|--|--|

21. WHEREAS, the Mayor and Council of the Borough of Cresskill on July 19, 2023 adopted Resolution No. 16 approving the change order for the 2022 Road Resurfacing Program with American Asphalt and Trucking LLC. The new contract amount of \$515,172.17; and

WHEREAS, American Asphalt and Trucking, LLC has requested payment for the current work completed to date; and

WHEREAS, the Borough Engineer, Azzolina & Feury by way of letter dated July 14, 2023 (a copy of which is attached) has certified that the work is completed as stated and recommends progress payment #4 in the amount of \$36,723.89; and

WHEREAS, the Acting Chief Financial Officer has certified that funds are available;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Borough Treasurer is authorized to make progress payment #4 to American Asphalt and Trucking LLC in the amount of \$36,723.89.

Progress Payment # 4
CR-1034 – 2022 Road Resurfacing Program

| | |
|------------------------------|---------------|
| Value Work Completed to Date | \$ 515,172.17 |
| Less: 2% Retainage | \$ 10,303.44 |
| Less: Bovino Settlement | \$ 7,500.00 |
| Less: Amount Previously Paid | \$ 460,644.84 |
| Total Amount Due | \$ 36,723.89 |

Amount due progress Payment #4 **\$ 36,723.89**

22. GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

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 2022 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.

23. Resolution to Approve the Corrective Action Plan for the Fiscal Year 2022
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 2022 Audit Report submitted by the Chief Financial Officer.

24. BE IT RESOLVED by the Mayor and Council, Borough of Cresskill, that the following be appointed as a School Crossing Guards at a salary of \$19.67 per hour, effective immediately.

David Philpott
Frank Krause

25. 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 91.04, Lot 1 for 2022:

2022

| | |
|-------------------------|-----------------|
| Original Assessment: | \$ 1,934,800.00 |
| Tax Court Judgment: | \$ 1,734,800.00 |
| Decrease in Assessment: | \$ 200,000.00 |
| Tax Rate: | <u>2.432</u> |
| Tax Refund: | \$ 4,864.00 |

Payable to: Valerie Hofer, Esq. Trust Account

Mail check to: Jennifer Montagne, Legal Assistant
The Law Office of Valerie Hofer, Esq.
P.O. Box 787
Montville, NJ 07045

(for: 323 East Madison Avenue)

26. WHEREAS, the Mayor and Council of the Borough of Cresskill on November 22, 2022 adopted Resolution No. 8 awarding a bid for the Magnolia Avenue Improvements 2021 NJDOT Municipal Aid Program to American Asphalt and Trucking, LLC in the amount of \$297,424.03; and

WHEREAS, American Asphalt and Trucking, LLC has requested payment for the current work completed to date; and

WHEREAS, the Borough Engineer, Azzolina & Feury by way of letter dated August 11, 2023 (a copy of which is attached) has certified that the work is completed as stated and recommends progress payment #2 in the amount of \$147,510.50; and

WHEREAS, the Acting Chief Financial Officer has certified that funds are available;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the Borough Treasurer is authorized to make progress payment #1 to American Asphalt and Trucking, LLC in the amount of \$147,510.50.

Payment No. 2

CR-1004– Magnolia Avenue Improvements 2021 NJDOT Municipal Aid Program

| | |
|---------------------------------------|----------------------|
| Value Work Completed to Date | \$ 195,336.47 |
| Less: 2% Retainage | \$ 3,906.73 |
| <u>Less: Amounts Previously Paid</u> | <u>\$ 43,919.24</u> |
| Total Amount Due | \$ 147,510.50 |
| Amount due Progress Payment# 2 | \$ 147,510.50 |

Miscellaneous Business

27. Approve the following Raffle Licenses:

| | | |
|---------|--------------------------|--------------------|
| RL 1455 | American Legion Post #21 | September 16, 2023 |
| RL 1456 | American Legion Post #21 | October 8, 2023 |

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

28. No one wished to be heard.
29. 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.

30. 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.

- 31. Motion by Council Member Spina and seconded by Council Member Savas to adopt all items with an asterisk as a single question.

Roll Call: Yes – Unanimous Motion adopted.

PRESENTATION OF BILLS

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

(Resolution in full on pages 143A through 143W.)

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.]

- 33. No one wished to be heard.
- 34. Motion at 7:22 P.M. by Council Member Spina and seconded by Council Member Savas to close the meeting and adjourn.

All in Favor. None Opposed. Motion adopted.

Benedict Romeo
Mayor

Francesca Maragliano
Borough Clerk