

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

SEPTEMBER 6, 2023

1. Council Member Schultz-Rummel 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 7:18 P.M.
4. Present: Council Members Cleary, Kaplan, Schultz-Rummel, Spina
Also Present: Attorney Diktas, Administrator Lavin, Chief Domville
Absent: Council Member Olmo, Savas
5. Mayor Romeo read a Plaque for School Crossing Guard Charles Dean.
6. Motion by Council Member Spina and seconded by Council Member Cleary to approve the minutes of the Mayor and Council Regular meeting of August 16, 2023.

All in Favor. None Opposed.

Motion adopted.

COMMUNICATIONS

7. Minutes of the following meeting:

Planning Board

August 8, 2023

Filed.

REPORTS OF COMMITTEES AND OFFICIALS

8. Council Member Spina said the BOH sponsored 5k will be on September 24th. Doctor Morgan is coordinating it with Captain Lanzilotti and all fundraising will go to Borough organizations.

UNFINISHED BUSINESS

ORDINANCE ON FINAL READING

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

9. Motion at 7:21 PM by Council Member Schultz-Rummel and seconded by Council Member Cleary to hear Ordinance No. 23-20-1621 on final 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 in Minutes of Regular Mayor and Council Meeting held August 16, 2023.)

10. The Borough Clerk announced the Ordinance was published in The Record on August 18, 2023, posted in Borough Hall, and copies made available to the public.
11. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
12. No one wished to be heard.
13. Motion by Council Member Schultz-Rummel and seconded by Council Member Cleary to close the public hearing.

Roll Call: Yes – Unanimous Motion adopted.

14. Resolution by Council Member Schultz-Rummel and seconded by Council Member Spina:

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. 23-20-1621, entitled:

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

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

Roll Call: Yes – Unanimous Resolution adopted.

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

15. Motion at 7:22 PM by Council Member Schultz-Rummel and seconded by Council Member Spina to hear Ordinance No. 23-21-1622 on final 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 in Minutes of Regular Mayor and Council Meeting held August 16, 2023.)

16. The Borough Clerk announced the Ordinance was published in The Record on August 18, 2023, posted in Borough Hall, and copies made available to the public.
17. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
18. No one wished to be heard.
19. Motion by Council Member Schultz-Rummel and seconded by Council Member Cleary to close the public hearing.

Roll Call: Yes – Unanimous Motion adopted.

20. Resolution by Council Member Schultz-Rummel 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. 23-21-1622, entitled:

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

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. 23-22-1623 – Amend Chapter 263 Vehicles & Traffic, Creating Article XIV Low Speed Electric Bicycle and Electric Scooters.

21. Motion at 7:23 PM by Council Member Schultz-Rummel and seconded by Council Member Spina to introduce Ordinance No. 23-22-1623 on first reading by title only, Amend Chapter 263 Vehicles & Traffic, Creating Article XIV Low Speed Electric Bicycle and Electric Scooters.

Roll Call: Yes – Unanimous Motion adopted.

(Ordinance in full on pages 146A through 146C.)

22. Resolution by Council Member Schultz-Rummel and seconded by Council Member Spina:

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 VEHICLES & TRAFFIC, CREATING
ARTICLE XIV LOW SPEED ELECTRIC BICYCLE AND ELECTRIC SCOOTERS

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 20, 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.

23. Mayor Romeo said this is necessary because there are a lot of kids riding around without a helmet and they're going to get badly hurt. It's very dangerous and we're going to strongly enforce it. This is not to be mean but for their safety.

Bond Ordinance No. 23-23-1624 – Appropriate Funds for Improvements to Jefferson Avenue
Section 5.

24. Council Member Schultz-Rummel announced receipt of Supplemental Debt Statement.

(Supplemental Debt Statement in full on pages 146D through 146H.)

25. Motion at 7:26 PM by Council Member Schultz-Rummel and seconded by Council Member Spina to introduce Bond Ordinance No. 23-23-1624 – Bond Ordinance to Authorize the Reconstruction of Jefferson Avenue (Section 5) in, by and for the Borough of Cresskill, in the County of Bergen, State of New Jersey, to Appropriate the Sum of \$800,000 to Pay the Cost thereof, to make a Down Payment, to Authorize the Issuance of Bonds to Finance such Appropriation and to Provide for the Issuance of Bond Anticipation Notes in Anticipation of the Issuance of Such Bonds on first reading by title only

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

(Bond Ordinance in full on pages 147A through 147D.)

26. Resolution by Council Member Schultz-Rummel and seconded by Council Member Spina:

BE IT RESOLVED that Ordinance 23-23-1624 entitled:

BOND ORDINANCE TO AUTHORIZE THE RECONSTRUCTION OF JEFFERSON AVENUE (SECTION 5) IN, BY AND FOR THE BOROUGH OF CRESSKILL, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$800,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS .

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 20th day of September, 2023, at 7:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Mayor and Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

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

CONSENT AGENDA

NEW BUSINESS

*Resolutions

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

Marilyn Rubino
373 Boulevard
New Milford, NJ 07646
Amount: \$174.00

29. WHEREAS, David Laganis has applied for a Limo/Taxi Owner’s License and has paid the required fees; and

WHEREAS, the vehicle has been inspected and approved by Chief James Domville;

NOW, THEREFORE, BE IT RESOLVED that the license be authorized for term ending December 31, 2023 subject to requirements of Chapter 246 of the Code of the Borough of Cresskill.

License No. 23-439
2016 Chevy Suburban
Serial # 1GNSKHKC1GR410862

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 overpayment of taxes:

<u>TAX</u> <u>PERIOD</u> <u>AMOUNT</u>	<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	
3 rd qtr 2023 3,668.94	150	9	Taesook & Hyo Yun Kwon 21 Phelps Avenue Cresskill, NJ 07626 <i>(for: 21 Phelps Avenue)</i>	\$

31. WHEREAS, the Mayor and Council of the Borough of Cresskill on April 19, 2023, adopted Resolution No. 3 awarding a bid for the 2018 Bergen County Municipal Park Improvement Program for the Cranford Park Basketball Court Facility to Halecon, Inc. in the amount of \$108,500.00; and

WHEREAS, Halecon, Inc. has requested payment for the current work completed to date; and

WHEREAS, the Borough Engineer, Azzolina & Feury by way of letter dated September 1, 2023 (a copy of which is attached) has certified that the work is completed as stated and recommends progress payment #1 in the amount of \$106,330.00; 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 Halecon, Inc. in the amount of \$106,330.00.

Payment No.1
CR-960 – Cranford Park Improvement 2018 Open Space Program

Value Work Completed to Date	\$ 108,500.00
Less: 2% Retainage	\$ 2,170.00
Less: Amounts Previously Paid	\$ 0.00
<hr/>	
Total Amount Due	\$ 106,330.00

Amount due Progress Payment # 1 \$ 106,330.00

32. 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:

Kimberly Semenoro <i>(for: Thomas Semenoro)</i> 78 Heatherhill Road Cresskill, NJ 07626 Amount: \$165.00	Anthony Kim <i>(for: Katie Kim)</i> 14 Cedar Street Cresskill, NJ 07626 Amount: \$180.00	Dor Shahar <i>(for: Yoav Shahar)</i> 127 Lexington Avenue Cresskill, NJ 07626 Amount: \$165.00
Sangem Nam <i>(for: Hyeokju Kwon)</i> 129 Stonegate Trail Cresskill, NJ 07626 Amount: \$165.00	Eunbyeong Ryu <i>(for: Jun Park)</i> 133 Lexington Avenue Cresskill, NJ 07626 Amount: \$140.00	

33. BE IT RESOLVED:

1. That the specifications for the Reconstruction of Jefferson Avenue Section 5-2022 NJDOT Municipal Aid Program 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:

ADVERTISEMENT FOR BIDS

<u>Borough of Cresskill</u>	<u>Bergen</u>	<u>New Jersey</u>
Municipality	County	State

Sealed Bids for the Reconstruction of Jefferson Avenue – Sec. 5 – 2022 NJDOT Municipal Aid Program 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, October 11, 2023**, at **11:00 AM**, Prevailing Time, and then publicly opened and read aloud.

The principal work items of the project are as follows: Police Traffic Directors, Clearing Site, Inlet, Type “B”, Manhole, 4’ Diameter, 15” Reinforced Concrete Pipe, Class III, Belgian Block Curb, Concrete Sidewalk, 4” Thick, Concrete Sidewalk, Reinforced, 6” Thick, Concrete Driveway, Reinforced, 6” Thick, Detectable Warning Surface, Remove & Reset Concrete Pavers, HMA Milling, 3” Or Less, HMA Driveway, 2” Thick, Hot Mix Asphalt 19M64 Base Course, Hot Mix Asphalt 9.5M64 Surface Course, Traffic Stripes, 4” Yellow, Thermoplastic, Traffic Markings, Lines, 8” White, Thermoplastic, Regulatory & Warning Signs, Spreading Topsoil, 4” Thick, Fertilizing & Seeding, Type A-3, Straw Mulching and other incidental work.

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 **Monday, September 25, 2023**, between the hours of **9:00 AM** and **4:00 PM**, Prevailing Time. Copies of the plans, specifications and contract documents may also be examined or obtained by properly qualified contractors at the office of Azzolina & Feury Engineering Inc., 30 Madison Avenue, Paramus, New Jersey, Telephone: (201) 845-8500, on and after **Monday, September 25, 2023**, between the hours of **9:00 AM** and **4:00 PM**, excluding legal holidays, upon payment of **\$100.00**, no part of which will be refunded.

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 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: **"Bid for Reconstruction of Jefferson Avenue – Sec. 5, 2022 NJDOT Municipal Aid Program, 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.

Miscellaneous Business

34. Approve the following Raffle Licenses:

RL 1457	Cresskill High & Middle School Music Boosters	Oct. 13, 2023 & May 31, 2024
RL 1458	Woman's Club Cresskill	Jan. 16, Feb. 20, Mar. 19, Apr. 16 & May 21, 2024
RL 1459	St. Therese of Lisieux Church	June 2, 2024

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

35. Mayor Romeo said Engineer Azzolina did a great job on Cranford Park. It looks great and is getting a lot of use now.
36. No one else wished to be heard.
37. Council Member Olmo joined the meeting.
38. 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.

39. 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.

40. 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

41. Resolution by Council Member Schultz-Rummel and seconded by Council Member Cleary:

(Resolution in full on pages 150A through 150J.)

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.]

42. Council Member Olmo said the Swim Club is closed for the season.

Administrator Lavin said last week FEMA issued a notice stating they are putting their reimbursement funds on hold due to the many disasters across the country. However, I don't have information on how it will impact Cresskill's BOE claims. Chief Ulshoefer added that FEMA froze all their fundings effective August 29th due to all the natural disasters. Therefore, anything that is category A and B, which is emergency protection and mitigation is still being allocated, but anything that has not been allocated is ultimately frozen. The BOE is a category E, and that money is frozen until further notice and there is no indication of when it may be released. Mayor Romeo said so next year, they could be into their operating budget for another \$500,000 because they delayed filing their claim. Chief Ulshoefer concurred and said we received all our money in four months because our paperwork was submitted on time and approved. We do have to reimburse FEMA some money because they funded for asbestos removal which is

completed as are all our other projects. Mayor Romeo congratulated Chief Ulshoefer for doing a great job. If the BOE had obtained the project consultant sooner, it wouldn't have been delayed and they wouldn't have needed an extension. Chief Ulshoefer said there were numerous delays but yes. To make it clear, if the Borough has an emergency tomorrow from the potential hurricane that is looming and the DPW Supt. needs to remove debris, that money will be reimbursed back to the Borough. Projects that are category A & B are reimbursable, but the BOE's projects are a category E which is frozen until further notice. Council Member Schultz-Rummel said but the payments are still required by the BOE. Mayor Romeo said the taxpayers will have to pay it. Council Member Spina asked if the vents and/or storm doors had been remediated. Chief Ulshoefer said it hasn't been done. The only thing that was in place was the muscle wall to prevent further damage. Council Member Spina asked how the two things that seem to be the primary points of failure haven't been addressed. Chief Ulshoefer said you would need to hire an engineer to come in under FEMA, have it approved for mitigation purposes, and they'll give you x amount of money when you prove how much it will potentially cost. Mayor Romeo asked if the BOE had done that. Chief Ulshoefer said they submitted plans but unfortunately, it's something called H&H reviews. Originally their plan was a levy around the school which I believe the Federal Government kicked back, so they went into the next group which was the lubra vent covers and the flood gates. Mayor Romeo said we met with the USACE last Wednesday and one of the areas they looked at was the school. The USACE said a levy would cause the flooding to go onto Mezzine Dr. and Pierce Ave. so it would just be flooding a different neighborhood. Thank you to Chief Ulshoefer, DPW Supt. Noseworthy and Engineer Azzolina for walking the USACE around town and showing them all the tributaries coming down into town. Unfortunately, Seth Greenwald of the USACE told us we have a real problem.

No one else wished to be heard.

43. Motion at 7:38 P.M. by Council Member Spina and seconded by Council Member Cleary to close the meeting and adjourn.

All in Favor. None Opposed.

Motion adopted.

Benedict Romeo
Mayor

Francesca Maragliano
Borough Clerk