

BOROUGH OF CRESSKILL

MAYOR AND COUNCIL

CRESSKILL

BERGEN COUNTY

NEW JERSEY

REGULAR MEETING

SEPTEMBER 20, 2023

1. Council Member Savas led the Salute to the Flag and Pledge of Allegiance.
2. The Deputy 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 7:07 P.M.
4. Present: Council Members Cleary, Kaplan, Olmo, Savas, Schultz-Rummel, Spina
Also Present: Attorney Diktas, Administrator Lavin, Captain Lanzilotti
5. Motion by Council Member Spina and seconded by Council Member Cleary to approve the minutes of the Mayor and Council Regular meeting of September 6, 2023.

All in Favor. None Opposed.

Motion adopted.

REPORTS OF COMMITTEES AND OFFICIALS

6. Council Member Spina said the BOH sponsored 5k is this Sunday, September 24th.

Council Member Savas said Recreation is busy with soccer, cheerleading and other fall sports. Last year we had 378 participants and as of today, we have 408. We have a new program for kids called coding, which is writing computer programming. We have open gym for adult volleyball and basketball.

The Library renovations are on schedule. There have been a couple of change orders.

Council Member Olmo said we're still working on the fire house renovations.

I want to congratulate Captain Lanzilotti on his trip to Israel with police officers from around Bergen County to see how other parts of the world work and exchange ideas.

We're working with the Borough Engineer on the location for the pickleball courts. We're looking at Merritt field.

Council Member Cleary said he goes to the library regularly and they're doing an excellent job in their temporary location.

Council Member Kaplan said he paid his respects at our 9/11 memorial and thanked Supt. Noseworthy for the flowers that were there.

UNFINISHED BUSINESS

ORDINANCE ON FINAL READING

Ordinance No. 23-22-1623 – Amend Chapter 263 Vehicles & Traffic, Creating Article XIV Low Speed Electric Bicycles and Electric Scooters.

7. Motion at 7:13 PM by Council Member Savas and seconded by Council Member Spina to hear Ordinance No. 23-22-1623 on final reading by title only, Amend Chapter 263 Vehicles & Traffic, Creating Article XIV Low Speed Electric Bicycles and Electric Scooters.

Roll Call: Yes – Unanimous Motion adopted.

(Ordinance in full on pages 146A through 146C in Minutes of Regular Mayor and Council Meeting held September 6, 2023.)

8. The Deputy Borough Clerk announced the Ordinance was published in The Record on September 8, 2023, posted in Borough Hall, and copies made available to the public.
9. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
10. Mayor Romeo said these scooters are becoming very popular with young and old people and they're riding around without helmets. We recently had someone get hit on County Road and luckily, he's ok. It's very dangerous and we're going to strongly enforce it. Attorney Diktas said the bikes can be confiscated subject to the magistrate's ruling under Title 39. Sarah Barrs asked if there's a place to advertise these rules. Council Member Spina said we can put it on the electric sign and the website. Captain Lanzilotti said the Police can post it to their social media page and be brought up when the officers talk to the kids in school.

No one else wished to be heard.

11. Motion by Council Member Savas and seconded by Council Member Cleary to close the public hearing.

Roll Call: Yes – Unanimous Motion adopted.

12. 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 Ordinance No. 23-22-1623, entitled:

AN ORDINANCE TO AMEND CHAPTER 263 VEHICLES & TRAFFIC, CREATING ARTICLE XIV LOW SPEED ELECTRIC BICYCLE AND ELECTRIC SCOOTERS

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

Roll Call: Yes – Unanimous Resolution adopted.

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

13. Motion at 7:18 PM by Council Member Olmo and seconded by Council Member Spina to hear Bond Ordinance No. 23-23-1624 on final reading by title only, 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.

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

(Bond Ordinance in full on pages 147A through 147D in Minutes of Regular Mayor and Council Meeting held September 6, 2023.)

14. The Deputy Borough Clerk announced the Ordinance was published in The Record on September 8, 2023, posted in Borough Hall, and copies made available to the public.
15. Mayor Romeo opened the meeting to the public. [Reported by Deputy Borough Clerk Patricia A. McKim.]
16. Mayor Romeo said it's to continue repair of Jefferson Avenue, including curbing, drainage, and asphalt.

No one else wished to be heard.

17. Motion by Council Member Olmo and seconded by Council Member Cleary to close the public hearing.

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

18. 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 Ordinance No. 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 .

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

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

NEW BUSINESS

INTRODUCTION OF ORDINANCE

Ordinance No. 23-24-1625 – Amend Chapter 238-4 Swimming Pool Location Provisions.

- 19. Motion at 7:20 PM by Council Member Schultz-Rummel and seconded by Council Member Savas to introduce Ordinance No. 23-24-1625 on first reading by title only, Amend Chapter 238-4 Swimming Pool Location Provisions.

Roll Call: Yes – Unanimous Motion adopted.

(Ordinance in full on page 154A.)

- 20. Resolution by Council Member Schultz-Rummel 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 the following Ordinance entitled:

AN ORDINANCE TO AMEND CHAPTER 238-4 SWIMMING POOL’S LOCATION PROVISIONS

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, October 4, 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.

- 21. Deputy Borough Clerk McKim explained all items on the Consent Agenda.

CONSENT AGENDA

NEW BUSINESS

*Resolutions

- 22. WHEREAS, the Solid Waste & Recycling Collection contract between the Borough of Cresskill and Interstate Waste Services (hereto IWS) is set to terminate on December 31, 2023; and

WHEREAS, the Council authorized and opening of bids on July 25, 2023; and;

WHEREAS, the only Solid Waste & Recycling Collection removal bid received was Filco Carting Corp.; and

WHEREAS, the Acting CFO and Borough Attorney have reviewed the said bid and are satisfied that the same can be accepted;

WHEREAS, by way of recommendation from the Borough Attorney and Acting CFO and subject to Council approval the following solid waste and recycling contracts:

Solid Waste
 Term 5 years
 Cost per year \$479,171.29
 Total \$2,395,856.44

Recycling
 Term 5 years
 Cost per year \$292,129.88
 Total \$1,460,649.40

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Cresskill does hereby accept the Solid Waste and Recycling contracts as noted here in; and

BE IT FURTHER RESOLVED, the Mayor and Council authorized the Borough Attorney to prepare a contract on behalf of the Borough; and

BE IT FURTHER RESOLVED, Mayor Benedict Romeo is authorized to execute the contract as approved by the Borough Attorney; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution be sent to the Borough Administrator, Borough Attorney, Borough CFO, Borough Clerk and Domenic Monopoli, Filco Carting Corporation, President /CEO.

23. RESOLUTION AMENDING PERSONNEL POLICIES AND PROCEDURES

WHEREAS, it is the policy of the Borough of Cresskill to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Borough of Cresskill maintains a Policies and Procedures Manual to effectuate the efficient and consistent treatment of all employees and further, to ensure that employees and prospective employees are treated in a manner consistent with the laws and regulations cited above; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund (hereinafter, the MEL), for which the Borough of Cresskill is a member, requires the update of the Borough of Cresskill's Policies and Procedures Manual to ensure compliance and adherence to recent changes to Federal and State laws and regulations and through recent court case rulings.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Cresskill that the revised Personnel Policies and Procedures Manual is hereby adopted.

BE IT FURTHER RESOLVED that as with past revisions to the Manual, these personnel policies and procedures revisions shall apply to all Borough of Cresskill officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services

contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Borough of Cresskill employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor and Council.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough of Cresskill's Risk Management Consultant, PIA, Inc. for their review and filing with the MEL in accordance with the requirements set forth by the Fund.

24. 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:

Tanya Puig (for: <i>Ethan Puig</i>) 408 Lafayette Street Cresskill, NJ 07626 Amount: \$120.00	Kerri Levine (for: <i>Lara Levine</i>) 147 Truman Drive Cresskill, NJ 07626 Amount: \$160.00	Eva Bucaretzky (for: <i>Elizabeth Bucaretzky</i>) 54 Heather Hill Road Cresskill, NJ 07626 Amount: \$144.00
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Nicole Madison (for: <i>Brooke Madison</i>) 481 Ivy Avenue Haworth, NJ 07641 Amount: \$200.00	Batel Lieberman (for: <i>Alon Lieberman</i>) 20 Pershing Place Cresskill, NJ 07626 Amount: \$475.00	Donna Briceno Capellan (for: <i>Sofia Capellan</i>) 87 Madison Avenue Cresskill, NJ 07626 Amount: \$120.00
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Tammy Romero (for: <i>Pedro Romero</i>) 251 Magnolia Avenue Cresskill, NJ 07626 Amount: \$150.00	Jinhee Soo (for: <i>Teakyun Kim</i>) 227 Grant Avenue Cresskill, NJ 07626 Amount: \$144.00	Harold Vargas (for: <i>Myles Vargas</i>) 96 Magnolia Avenue Cresskill, NJ 07626 Amount: \$170.00
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25. WHEREAS, Suresh & Sheetal Nanwani are the property owners-taxpayers for real estate known as Block 211 Lot 11 and better known as 209 Truman Drive, Cresskill, New Jersey 07626 (the "Property"); and

WHEREAS, Suresh & Sheetal Nanwani have made application to the Tax Court of New Jersey to have the assessment of the property listed above adjusted for the years 2019 and 2020; and

WHEREAS, the Mayor and Council are satisfied that after due consideration and analysis, the settlement as set forth below, is reasonable and in the Borough's best interest.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Cresskill, that the adjustment of the assessments of the Property specified below be and is hereby ratified as follows:

Tax Year: 2019

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	495,000		495,000
Improvements	1,309,200		1,204,500
Total	1,804,700		1,700,000

Tax Year: 2020

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	498,000		498,000
Improvements	1,266,400		1,052,000
Total	1,764,400		1,550,000

BE IT FURTHER RESOLVED, that Christos J. Diktas, Esq., of Diktas Gillen, P.C., be and hereby is, authorized to execute the Stipulation of Settlement memorializing the settlement of the matter on behalf of the Borough of Cresskill; and

BE IT FURTHER RESOLVED that the proper officials be, and hereby are authorized to make the necessary adjustments to the assessments.

26. A RESOLUTION TO AFFIRM THE BOROUGH OF CRESSKILL’S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Borough of Cresskill to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act,

WHEREAS, the Mayor and Council of the Borough of Cresskill has determined that certain procedures need to be established to accomplish this policy;

NOW, THEREFORE BE IT ADOPTED by the Mayor and Council that:

Section 1: No official, employee, appointee or volunteer of the Borough of Cresskill by whatever title known, or any entity that is in any way of part of the Borough of Cresskill shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person’s constitutional rights while such official, employee, appointee volunteer or entity is engaged in or acting on behalf of the Borough of Cresskill’s business or using the facilities or property of the Borough of Cresskill.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Cresskill to provide services that otherwise could be performed by the Borough of Cresskill.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Mayor and Council shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint, so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Mayor and Council shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Cresskill as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Mayor and Council shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Cresskill. This communication shall include a statement from the governing body expressing an unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Cresskill's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough of Cresskill in order for the public to be made aware of this policy and the Borough of Cresskill's commitment to the implementation and enforcement of this policy.

27. WHEREAS, The Borough of Cresskill applied for and received a grant from the New Jersey Department of Transportation (NJDOT) Fiscal Year 2022 Municipal Aid Program, in the amount of \$221,000.00 for the Reconstruction of Jefferson Avenue – Sec. 5 Project.

WHEREAS, the Construction Contract for the project is to be awarded by October 21, 2023, unless otherwise extended by the NJDOT for good cause.

WHEREAS, the Borough Engineer is in receipt of correspondence dated September 8, 2023, as prepared by the NJDOT, indicating that certain proposed improvements, specifically a portion of the public sidewalk situated at the northeast corner of Jefferson Avenue at Madison Avenue, is not wholly situated within the limits of the existing right-of-way of Jefferson Avenue and/or Madison Avenue.

WHEREAS, the Borough Engineer has reviewed same and has prepared a written response letter dated September 15, 2023 (copy attached) identifying certain unique circumstances associated with the formation of the Jefferson Avenue and Madison

Avenue right(s)-of-way dating back to 1869, which are noted to be beyond the immediate control of the Borough of Cresskill, that must be addressed prior to the public bidding of this project.

WHEREAS, in order to:

1. Obtain the an Easement For Road Purposes from the owner of lands designated on the Current Tax Assessment Map as Block 24 – Lots 19-22 (Saint Therese Roman Catholic Church), as is required in order to facilitate the construction of the proposed pedestrian facilities (i.e. ADA compliant curb ramp) which shall be designed and constructed in full compliance with the Proposed Accessibility Guidelines For Pedestrian Facilities in the Public Right-Of-way and the associated NJDOT standards for workmanship and materials as required in connection therewith, the Borough of Cresskill, requires an appropriate extension of time beyond October 21, 2023, to properly address the above described substandard right-of-way condition.

NOW THEREFORE BE IT RESOLVED, that the Borough of Cresskill requests that the date for the awarding of the Construction Contract for the project known as Reconstruction of Jefferson Avenue –Sec. 5 be extended for a period of 6 (six) months, to April 21, 2024.

Miscellaneous Business

28. Approve the following Raffle License:

RL 1460 Cresskill Middle & High School HSA Oct. 17, 2023

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

29. No one wished to be heard.
30. 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.

31. 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 Deputy 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.

32. 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

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

(Resolution in full on pages 160A through 160F.)

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.]

34. Council Member Savas said the Garden Committee did a very nice job near the railroad tracks planting flowers on the berm.

No one else wished to be heard.

35. Motion at 7:24 P.M. by Council Member Spina and seconded by Council Member Olmo to close the meeting and adjourn.

All in Favor. None Opposed. Motion adopted.

Benedict Romeo
Mayor

Patricia McKim
Deputy Borough Clerk