

**MINUTES OF THE REGULAR MEETING OF THE MAYOR &
COUNCIL OF THE BOROUGH OF ROCKLEIGH, HELD ON FEBRUARY 1, 2016 AT
BOROUGH HALL, 26 ROCKLEIGH RD., ROCKLEIGH NJ AT 8 PM**

Mayor Robert Schaffer called the meeting to order at 8:08 p.m. and led the meeting with a flag salute.

OPENING STATEMENT:

Mayor Schaffer announced that the meeting of this date is being held in compliance with the Open Public Meetings Act of the State of New Jersey and that adequate notice of same was given in writing to *The Record*, and that notice of same was also posted on the Borough Hall bulletin board as required.

The Borough Clerk called the Roll Call of the Mayor and Council:

Present: Mayor Schaffer, Councilwoman Bresnak, Councilwoman Ewald, Councilman Mender, Councilman Johnsen, and Councilman Pontone.

Also Present: Marcella Giampiccolo, Borough Clerk, William J. McGuire, Borough Administrator, Kunjesh Trivedi, CFO and Robert T. Regan, Esq., Borough Attorney

Absent: Councilman Cumiskey

MINUTE APPROVAL:

Minutes from the January 4, 2016 Sine Die Meeting were presented for approval. A Motion was offered by Councilman Pontone, seconded by Councilwoman Bresnak to accept the January 4, 2016 Sine Die minutes as presented. All Councilmembers present voted in the affirmative to accept the Minutes as presented, except Councilwoman Ewald, who abstained from the vote. The Motion passed.

Minutes from the January 4, 2016 Sine Die Closed Session were presented for approval. A Motion was offered by Councilman Johnsen, seconded by Councilman Pontone to accept the January 4, 2016 Sine Die Closed Session minutes as presented. All Councilmembers present voted in the affirmative to accept the Minutes as presented, except Councilwoman Ewald, who abstained from the vote. The Motion passed.

Minutes from the January 4, 2016 Re-Organization Meeting were presented for approval. Brief discussion took place and some changes were suggested. The Clerk noted the changes to Page 10 of the Minutes and will amend a typo listed with the 2016 Temporary Budget regarding "Celebration of Other Events" and a correction on page 3 to reflect the proper pronoun used in the resolution 2016-2. A Motion was offered by Councilman Pontone, seconded by Councilwoman Bresnak to accept the January 4, 2016 Re-Organization Meeting minutes, as amended, for approval. All Councilmembers present voted in the affirmative to accept the Minutes as presented, except Councilwoman Ewald, who abstained from the vote. The Motion passed.

Minutes from the January 4, 2016 Re-Organization Closed Session were presented for approval. A Motion was offered by Councilman Pontone, seconded by Councilman Johnsen to approve the January 4, 2016 Closed Session minutes. All Councilmembers present voted in the affirmative to accept the Minutes as presented, except Councilwoman Ewald, who abstained from the vote. The Motion passed.

COMMITTEE REPORTS:

The tree committee reported on their attendance at a recent meeting held by Norwood Borough regarding their current proposed tree ordinance. Upon receipt and review of Norwood's draft Tree Ordinance, the Rockleigh tree committee will again meet and report their findings to the members of the Mayor and Council. No other reports were discussed.

UNFINISHED BUSINESS:

The Mayor announced that Ordinance 2016-1 was to hold its Second Reading and Public Hearing this evening. The meeting was opened to the public by Motion offered by Councilman Johnsen, seconded by Councilman Pontone. The following was the Ordinance opened for discussion:

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**BOROUGH OF ROCKLEIGH
ORDINANCE NO. 2016-1**

AN ORDINANCE TO AMEND CHAPTER IX OF THE CODE OF THE BOROUGH OF ROCKLEIGH ENTITLED, "BUILDING AND CONSTRUCTION".

BE IT ORDAINED by the Mayor and Council of the Borough of Rockleigh, in the County of Bergen, and State of New Jersey as follows:

SECTION 1.

Chapter IX of the Code of the Borough of Rockleigh, Building and Construction, be and is hereby amended to add the following new Section and the Subsections hereinafter set forth:

9-4. PERMITTED HOURS CONSTRUCTION AND MAINTENANCE.

9-4.1 Purpose.

The purpose of this section is to establish limitations on the making and creation of loud noise incident to construction and maintenance activities to normal business hours. It is hereby determined that it is in the public interest for the provisions and regulations hereinafter set forth to be enacted for the purpose of promoting and securing the public health, safety, comfort, convenience, welfare and the peace and quiet of the Borough of Rockleigh and its inhabitants.

9-4.2 Hours of Operation.

a. Construction and Maintenance. The excavation, construction, grading, paving, demolition, alteration or repair of or on any property, premises, street or building and the operation or use of any power lawnmower or other internal landscaping equipment, including but not limited to leaf blowers, vacuums, golf course maintenance equipment or chainsaws shall be permitted to occur on weekdays between 8:00 a.m. and 6:00 p.m., on Saturdays from 8:00 a.m. to 5:00 p.m., and on Sundays and legal holidays from 10:00 a.m. to 5:00 p.m. In

case of urgent public necessity in the interest of public safety, work may be permitted at such other hours as may be determined by the Mayor or other delegated authority.

b. The provisions of paragraph a of this section shall not be deemed applicable to activities incident to the plowing and removal of snow and ice from streets and properties in the Borough.

9-4.3 Penalties.

Any person who is convicted of violating any provision of this section shall be subject to such fine and general penalty as set forth in §1-5, General Penalty, of the Code of the Borough of Rockleigh, within the discretion of the Municipal Court Judge.

SECTION 2. Severability.

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

SECTION 3. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

SECTION 4. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

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At this time Peter Layne, 25 Piermont Road, Rockleigh came forward to comment that he is not in favor of any work being permitted on Sunday's in Rockleigh. At this time Katie Jacobsen of 49 Piermont Road, Rockleigh, came forward to comment that she also is not in favor of work being permitted on Sunday or any holidays. Following the comments from the public, the Mayor asked that the meeting be kept open as the Council discussed Ordinance 2016-1. Discussion ensued among the Council regarding the comments offered by the Public. At the conclusion of that discussion, it was the consensus of the Councilmembers present to not permit work on Sundays and to establish the exact holidays the Borough would not permit work on. Mr. Regan amended the language in 9.4-2 (a) to read as follows:

9-4.2 Hours of Operation.

a. Construction and Maintenance. The excavation, construction, grading, paving, demolition, alteration or repair of or on any property, premises, street or

building and the operation or use of any power lawnmower or other internal landscaping equipment, including but not limited to leaf blowers, vacuums, golf course maintenance equipment or chainsaws shall be permitted to occur on weekdays between 8:00 a.m. and 6:00 p.m. and on Saturdays from 8:00 a.m. to 5:00 p.m. The foregoing work shall not be performed on Sundays and legal holidays. As used herein, the term legal holidays shall mean New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas. In case of urgent public necessity in the interest of public safety, work may be permitted at such other hours as may be determined by the Mayor or other delegated authority.

At this time a Motion was offered by Councilman Pontone, seconded by Councilwoman Bresnak to close the meeting to the public. All Councilmembers present voted in the affirmative and the meeting was closed to the public. The Motion passed.

Based upon the amendments offered to Ordinance 2016-1, Mr. Regan stated it would be necessary to re-introduce for a First Reading the amended ordinance at the March 7, 2016 meeting. A Motion was offered by Councilman Pontone, seconded by Councilman Johnsen to table this ordinance and re-introduce it at the March meeting. The Roll Call vote was recorded as follows:

AYES: Bresnak, Ewald, Johnsen, Mender, Pontone

NAYS: None

ABSTAIN: None

ABSENT: Cumiskey

The Motion passed.

Brief discussion took place regarding the current ordinance listed within the Board of Health code. Mr. Regan suggested that the Board of Health ordinance will need to be amended at some time in the future.

NEW BUSINESS:

Resolution 2016-18 was presented to discussion.

**BOROUGH OF ROCKLEIGH
County of Bergen
State of New Jersey**

Re: RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT TO OPERATE THE INTERBORO REGIONAL POLICE COMMUNICATIONS ORGANIZATION.

WHEREAS, the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1, et seq.*, permits municipalities to enter into Shared Service Agreements; and

WHEREAS, the Interboro Regional Police Communications Network ("Interboro") has operated for many years and has been comprised of the Boroughs of Alpine, Closter, Harrington

Park, Haworth, Norwood and Northvale, including Rockleigh, which provides communications equipment and a joint or regional communications center; and

WHEREAS, the foregoing municipalities have agreed to continue to operate Interboro, which will be entering into the renewal of an Agreement with the County of Bergen whereby the County would continue to provide 9-1-1 public safety answering and safety services; and

WHEREAS, an Agreement has been prepared for the municipalities to continue Interboro for a five (5) year period commencing January 1, 2016 and ending on December 31, 2020.

NOW THEREFORE BE IT RESOLVED that Mayor Robert R. Schaffer and Borough Clerk Marcella Giampiccolo be and are hereby authorized to execute the Agreement to operate Interboro; and

BE IT FURTHER RESOLVED that the Agreement, once executed, shall be forwarded to the Clerk of the Borough of Norwood and to any other municipality requesting a copy of same.

Dated: February 1, 2016

Resolution (2016-19) was next presented for consideration.

**BOROUGH OF ROCKLEIGH
County of Bergen
State of New Jersey**

Re: RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE COUNTY OF BERGEN AND THE INTERBORO REGIONAL POLICE COMMUNICATIONS NETWORK.

WHEREAS, the Borough of Rockleigh participates through the Borough of Northvale in the Interboro Regional Police Communications Network ("Interboro"); and

WHEREAS, Interboro operates a joint or regional communications center which services the Boroughs of Alpine, Closter, Harrington Park, Haworth, Northvale, including Rockleigh, and Norwood, as permitted by the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1, et seq.*; and

WHEREAS, Interboro desires to enter into an Agreement with the County of Bergen for the providing of 9-1-1 public safety answering and safety services; and

WHEREAS, said Agreement with the County would be for a five (5) year term commencing on January 1, 2016 and ending on December 31, 2020; and

WHEREAS, the Governing Body has determined that it is in the best interests of the citizens of the Borough of Rockleigh to enter into said Agreement.

NOW THEREFORE BE IT RESOLVED that Mayor Robert R. Schaffer and Borough Clerk Marcella Giampiccolo be and are hereby authorized to execute on behalf of the Borough the aforesaid Agreement with the County of Bergen.

Dated: February 1, 2016

No discussion took place regarding Resolution 2016-19. Motion offered by Councilman Johnsen, seconded by Councilman Pontone to adopt Resolution 2016-19. The Roll Call vote was recorded as follows:

AYES: Bresnak, Ewald, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Cumiskey

ABSTAIN: None

The Motion passed.

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Resolution (2016-20) was presented for consideration. The Clerk stated this resolution was previously forward to all Council for a vote by (e-mail/phone) due to the time constraints of Bergen County. This resolution will formalize that action previously taken.

**BOROUGH OF ROCKLEIGH
COUNTY OF BERGEN
State of New Jersey**

RE: MUNICIPALITIES TO CONFIRM ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECTS

WHEREAS, a Bergen County Community Development grant of \$175,000. has been proposed by Bergen County Department of Public Works for the replacement of the roof on building "B" at the Rockleigh Health Care Facility in the municipality of Rockleigh, New Jersey, and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, the aforesaid project is in the best interest of the people of The County of Bergen, and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of The Borough of Rockleigh hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

Dated: February 1, 2016

No further discussion took place. Motion offered by Councilman Pontone, seconded by Councilwoman Bresnak to approve Resolution 2016-20. The Roll Call vote was recorded as follows:

AYES: Bresnak, Ewald, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Cumiskey

ABSTAIN: None

The Motion passed.

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The Municipal Court fines were briefly discussed and no Police Report was provided in time of the meeting.

FINANCIAL BUSINESS/PAYMENT OF CLAIMS:

The January Bill List and February 1, 2016 Bill Lists were presented for discussion. Brief discussion took place regarding entries on the February Bill List, which the CFO answered. Following that discussion, a Motion was offered by Councilman Pontone, seconded by Councilman Johnsen to approve the Bill Lists dated January 2016 and February 1, 2016, noting the total claims and accounts amounting to \$408,767.32, is paid, and that checks be issued therefore, in accordance with established procedure, upon confirmation from the Borough Treasurer/CFO that sufficient monies are available to pay said obligations. No further discussion took place. The Roll Call vote was recorded as follows:

AYES: Bresnak, Ewald, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Cumiskey

ABSTAIN: None

The Motion passed.

A Motion was offered by Councilwoman Bresnak, seconded by Councilman Pontone to open the meeting to the public. All Councilmembers present voted in the affirmative. The Motion passed. No members of the public came forward. Motion offered by Councilman Pontone, seconded by Councilman Johnsen to close the meeting to the public. All Councilmembers present voted in the affirmative to close the meeting. The Motion passed.

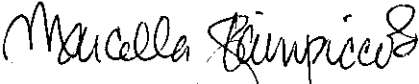
At this time, discussion took place regarding the scheduled work session meeting to be held on February 9, 2016 for the purposes of discussing the 2016 Municipal Budget. Following that discussion, the Council decided to re-schedule the February 9th meeting and schedule it for Thursday, February 26, 2016 at 7PM. The Clerk stated the new meeting date will be advertised.

The Mayor reviewed with the Council the items listed on under the Correspondence. The Borough Administrator reviewed with the Council the County's Fire Truck Loaner Program. This program is of no cost to the Borough to join a 10 year contract with the County, except after the first 8 weeks of use of the County fire trucks and that cost would be \$25.00 per day for weeks 9-16, and \$50/day for weeks 17-24, up to a maximum of twenty four weeks. The Council was in agreement of joining this program. Mr. Regan suggested that a formal resolution be adopted at the March 7th Mayor and Council meeting. A copy of this proposal will be forwarded to Michael Malhame to review the County program as it would relate to a different truck or coverage issues to the Borough's insurance policies.

No Attorney Report was provided; however, Mr. Regan stated he will have a report for the March 7th meeting.

As no further business came before the Governing Body, a Motion was offered by Councilwoman Ewald, seconded by Councilwoman Bresnak to adjourn the meeting. All Councilmembers present voted in the affirmative and the meeting was adjourned. The Motion passed.

Respectfully submitted,


Marcella Giampiccolo, RMC
Borough Clerk