

**MINUTES OF THE REGULAR MEETING OF THE MAYOR &
COUNCIL OF THE BOROUGH OF ROCKLEIGH, HELD ON May 2, 2016 AT BOROUGH
HALL, 26 ROCKLEIGH RD., ROCKLEIGH NJ AT 8 PM**

Mayor Robert Schaffer called the meeting to order at 8:03 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, Councilman Cumiskey, Councilwoman Ewald, Councilman Johnsen, and Councilman Mender.

Also Present: Marcella Giampiccolo, Borough Clerk; Kunjesh Trivedi, CFO; Robert T. Regan, Esq., Borough Attorney; William J. McGuire, Borough Administrator; and Gregory J. Polyniak, Borough Engineer. (Partial attendance)

Absent: Councilman Pontone.

Mayor Schaffer announced that the Governing Body was entering into Closed Session with the Borough Engineer. Mr. Regan read aloud the following resolution into the Record:

RESOLUTION TO ENTER INTO CLOSED SESSION

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss item relating to ***Borough of Rockleigh Docket No. BER-L-5761-15.***

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that at **8:04 p.m.** on **MONDAY, MAY 2, 2016** the Governing Body determined to exclude members of the public to discuss the aforesaid items; and

BE IT FURTHER RESOLVED that the proceedings relative to the Closed Session may be made public as such time as the Governing Body determines the Borough's interests may not be adversely affected.

Motion offered by Councilman Cumiskey, seconded by Councilman Mender to approve the Closed Session. The Roll Call vote was recorded as follows:

AYES: Bresnak, Ewald, Johnsen, Mender, Cumiskey

NAYS: None

ABSENT: Pontone

ABSTAIN: None

The Motion passed.

Upon returning to the Regular Session of the meeting, Mr. Polyniak responded to questions Councilwoman Bresnak asked about the funds held back in connection with MCP 8 King Road bond that will be discussed later. Mr. Polyniak answered the questions and confirmed a certain amount of money will still be held back by the Borough.

Mr. Polyniak exited the meeting at 8:45 p.m.

MINUTE APPROVAL:

Minutes from the April 4, 2016 Regular Meeting were presented for approval. A Motion was offered by Councilwoman Ewald, seconded by Councilman Mender to accept the April 4, 2016, Minutes as presented. All Councilmembers present voted in the affirmative to accept the Minutes as presented. The Motion passed.

Minutes from the April 4, 2016 Closed Session were presented for approval. A Motion was offered by Councilman Cumiskey, seconded by Councilwoman Ewald to accept the Closed Session minutes as presented. All Councilmembers present voted in the affirmative, to accept the Minutes as presented. The Motion passed.

COMMITTEE REPORTS:

The Mayor commented that the tree committee will wait to report until the June meeting as one of the committee members were absent. No other committee reports were provided.

OLD BUSINESS:

Resolution 2016-37 was presented for consideration:

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

Re: RESOLUTION (2016-37) AUTHORIZING RELEASE OF PERFORMANCE BOND FOR MCP 8 KING ROAD, L.L.C.

WHEREAS, by Resolution of the Planning Board dated September 23, 2013, preliminary site plan approval and ancillary variances and waivers were granted to MCP 8 KING ROAD, L.L.C. ("the Developer") relating to Block 105, Lot 3 as depicted on the Borough tax map, being more commonly known as 8 King Road; and

WHEREAS, a Developer's Agreement was subsequently entered into between the Borough, Planning Board and Developer dated November 12, 2013; and

WHEREAS, Article IV paragraph 4.1 of the Developer's Agreement required the Developer to post a performance guarantee with the Borough to ensure satisfactory completion of the improvements which were approved; and

WHEREAS, in correspondence dated January 29, 2016, the Borough Engineer recommended release of a portion of the performance bond which is in the form of a cash bond as authorized pursuant to N.J.S.A. 40:55D-53d(3) and in the amount of \$72,534.60 with the balance remaining constituting the required maintenance bond; and

NOW THEREFORE BE IT RESOLVED that the chief Financial Officer be and is hereby authorized to release \$72,534.60 to the Developer; and

BE IT FURTHER RESOLVED that the appropriate Borough officials be and are hereby authorized to execute the appropriate documents to effectuate the terms of this resolution.

Brief discussion took place and it was confirmed that a maintenance bond will still be held by the Borough until total completion of the project. Following that discussion a Motion was offered by Councilman Cumiskey, seconded by Councilman Johnsen to authorize Resolution 2016-37. The Roll Call vote was recorded as follows:

AYES: Bresnak, Ewald, Johnsen, Mender, Cumiskey

NAYS: None

ABSENT: Pontone

ABSTAIN: None

The Motion passed.

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NEW BUSINESS:

Introduction and First Reading of Ordinance 2016-4 was presented as follows:

**AMENDMENT TO THE SALARY ORDINANCE
ORDINANCE NO. 2016-4**

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO FIX THE SALARY, WAGE OR COMPENSATION OF PERSONS HOLDING OFFICE, POSITION OR EMPLOYMENT IN THE BOROUGH OF ROCKLEIGH, COUNTY OF BERGEN, STATE OF NEW JERSEY"

BE IT RESOLVED by the Mayor and Council of the Borough of Rockleigh as follows:

1) SECTION 1: That Section 1 of the Ordinance entitled "AN ORDINANCE TO FIX THE SALARY, WAGE OR COMPENSATION OF PERSONS HOLDING OFFICE POSITION OR EMPLOYMENT IN THE BOROUGH OF ROCKLEIGH, COUNTY OF BERGEN, STATE OF NEW JERSEY" be amended and supplemented as follows:

A) The annual wage or rate of compensation to be paid to the following officers or persons holding office or employment with the Borough of Rockleigh is hereby fixed and determined to be as follows for the year 2016:

Administrator/ Dpty. Clerk	\$42,518.87
Dpty. Registrar	\$ 1,933.88
Administrator, Sewer Authority	\$ 6,755.33
Fire Prevention Official	\$ 8,132.89
Fire Inspector	\$ 9,364.75
Zoning Officer	\$ 3,655.83
Cons.Code;Bldg.Insp.;Bldg.Secy.	\$30,266.55
Fire Sub-Code Official	\$ 5,430.76
Bldg. & Grounds Coordinator	\$ 4,755.23
Recycling Coordinator	\$ 1,537.50
Borough Clerk	\$27,246.52
Registrar	\$ 3,218.72
Secretary, Sewer Authority	\$ 3,655.83
Liaison, Orangetown	\$ 3,563.11
Accounts Clerk, Sewer Authority	\$ 4,159.17
Deputy Administrator	\$ 2,626.56
Chief Finance Officer/Treasurer	\$16,564.62
Tax Collector	\$ 9,640.32
Finance Officer, Sewer Authority	\$ 8,149.95
QPA	\$ 4,000.00
Administrative Assistant	\$15,000.00
Plumbing Sub-Code Inspector	\$ 3,395.33
Electrical Sub-Code Inspector	\$ 5,253.13
Tax Assessor	\$10,128.59
Alternate Fire Inspector	\$ 525.31
Temporary Office Assistance	\$ 9.50-\$15.00 per hour
Professional Consulting	\$25.00-\$100.00 per hour

Rockleigh Volunteer Fire Department

Clothing Allowance for Rockleigh

Volunteer Fire Department \$0.00-\$1,000.00

*Based upon a point system as designated by the Rockleigh Fire Dept. Chief.

This Ordinance will take effect immediately upon passage as required by law.

Motion offered by Councilman Johnsen. Discussion took place regarding a question to identify what QPA meant. In addition, a question was raised regarding if the Recycling Coordinator position received a lump sum payment or if the previously adopted resolution authorized it as a salaried position. The CFO will confirm that position is a salaried position. The Motion was seconded by Councilman Cumiskey. The Roll Call vote was recorded as follows:

AYES: Bresnak, Ewald, Johnsen, Mender, Cumiskey

NAYS: None

ABSENT: Pontone

ABSTAIN: None

The Motion passed.

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Resolution (2016-36) was presented for consideration. The Borough Clerk reported that Michael Malhame, Rockleigh's OEM, forwarded this resolution to the Governing Body for approval.

**BOROUGH OF ROCKLEIGH
COUNTY OF BERGEN
STATE OF NEW JERSEY**
Resolution # 2016-36

WHEREAS the **Borough of Rockleigh**, NJ, has experienced natural hazards that result in public safety hazards and damage to private and public property;

WHEREAS the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk;

WHEREAS the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan;

WHEREAS a *Hazard Mitigation Plan* has been developed by the Mitigation Planning Committee;

WHEREAS the *Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

WHEREAS the draft plan was provided to each participating jurisdiction and was posted on the County Office of Emergency Management's website so as to introduce the planning concept and to solicit questions and comments; and to present the Plan and request comments, as required by law, and

NOW THEREFORE BE IT RESOLVED by the **Mayor and Council** of the **Borough of Rockleigh**:

1. The Bergen County Multi-Jurisdictional *Hazard Mitigation Plan*, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on April 13th, 2015 by the Bergen County Office of Emergency Management is hereby adopted as an official plan of the Borough of Rockleigh; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The Borough of Rockleigh departments identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.

3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Borough of Rockleigh, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Bergen County Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date as agreed upon by all stakeholders.

PASSED by the **Mayor and Council** of the Borough of Rockleigh, this 2nd day of May, 2016.
 APPROVED:

 Robert R. Schaffer, Mayor

ATTEST:

 Marcella Giampiccolo, RMC
 Borough Clerk

Motion offered by Councilwoman Ewald, seconded by Councilwoman Bresnak to approve Resolution 2016-36. The Roll Call vote was recorded as follows:

AYES: Bresnak, Ewald, Johnsen, Mender, Cumiskey

NAYS: None

ABSENT: Pontone

ABSTAIN: None

The Motion passed.

The Mayor presented a proposal dated April 5, 2016 from Neglia Engineering Associates for Catch Basin Label Inspection. The Mayor stated there are over 100 catch basins in town and must be inspected each year to comply with inspection.

BOROUGH OF ROCKLEIGH
County of Bergen
State of New Jersey

Re: RESOLUTION (2016-38) AWARDING A PROFESSIONAL SERVICE AGREEMENT TO NEGLIA ENGINEERING ASSOCIATES FOR CATCH BASIN LABEL INSPECTION.

WHEREAS, the Borough of Rockleigh ("Borough") requires professional services to attempt to field locate all catch basins located within the Borough rights-of-way and at Borough

Hall, to illustrate their approximate locations on the current Borough Tax Map, and provide a list of catch basins which require the existing "puck" labels to be replaced/affixed to the catch basins as required by the NJDEP Municipal Stormwater Management Program; and

WHEREAS, the Board is in receipt of a proposal from Neglia Engineering Associates ("Engineer") dated April 8, 2016 which details the scope of work and applicable fees.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rockleigh the following:

1. The Borough hereby retains the services of Engineer in accordance with its letter proposal dated April 8, 2016.

2. The contract for services constitutes professional services under *N.J.S.A. 40A:11-5* and may be awarded without public advertising for bids. In addition, this contract is awarded to Engineer based upon the merits and professional abilities and was not awarded through a "fair and open process" pursuant to *N.J.S.A. 19:44A-20.4, et seq.* and the Professional Service Agreement will include a provision that Engineer has complied with the provisions of *N.J.S.A. 19:44A-8* or *N.J.S.A. 19:44A-16*.

3. The amount of the contract will be billed on a lump sum basis for a cost of \$1,000.00.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a Professional Service Agreement in accordance with the foregoing; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Rockleigh that the Borough Clerk be and is hereby authorized to publish a notice of this action in the official newspaper of the Borough.

Dated: May 2, 2016

Motion offered by Councilwoman Ewald, seconded by Council an Cumiskey to approve the proposal dated April 5, 2016 from Neglia Engineering Associates for Catch Basin Label Inspection. The Roll Call vote was recorded as follows:

AYES: Bresnak, Ewald, Johnsen, Mender, Cumiskey

NAYS: None

ABSENT: Pontone

ABSTAIN: None

The Motion passed.

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Mayor Schaffer stated that Maryanne Puccio was re-appointed to the Rockleigh Board of Education effective May 1, 2016. Motion offered by Councilwoman Bresnak, seconded by Councilwoman Ewald to confirm that appointment. The Roll Call vote was recorded as followed:

AYES: Bresnak, Ewald, Johnsen, Mender, Cumiskey

NAYS: None

ABSENT: Pontone

ABSTAIN: None

The Motion passed.

The Municipal Court fines were briefly discussed and Police Reports were acknowledged. The Governing Body commented on the additional use of radar.

FINANCIAL BUSINESS/PAYMENT OF CLAIMS:

Resolution (2016-39) was presented:

BOROUGH OF ROCKLEIGH
COUNTY OF BERGEN
STATE OF NEW JERSEY
RESOLUTION NO. 2016-39

RESOLUTION AUTHORIZING THE CANCELLATION OF GENERAL CAPITAL FUND –
IMPROVEMENT AUTHORIZATIONS

WHEREAS, certain General Capital Fund improvement authorization balances remains dedicated to projects now completed, and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to fund balance or debt authorized for unfunded balances.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Rockleigh, County of Bergen, State of New Jersey, that the following unexpended General Capital Fund improvement authorization balances be cancelled:

<u>Ordinance Number</u>	<u>Improvement Description</u>	<u>Fund Balance</u>	<u>Debt Authorization</u>
09-08	Reconstruction of Rockleigh Road		\$ 5,897
09-12/10-04	Improvement to the Paris Ave. Pump Station		1,030,000
10-02	Improvement to Rockleigh Corporate Park Road	\$ 1	42,436
11-3	Improvement to Rockleigh Corp Park Roadways – Section 2		62,133
11-03	Drainage Improvements of Rockleigh Road	4,556	
12-04	Improvement to Rockleigh Corp Park Roadways – Section 3		102,517
14-07	Improvement of Piermont Road East In		56,931
		<u>\$4,557</u>	<u>\$1,299,914</u>

Introduced By _____

Seconded By _____

Approved: _____, 2016

Attest:

Borough Clerk

Mayor

Discussion took place regarding comments that the Auditor previously suggested during his audit review. The Mayor commented that this resolution was not specifically referring to the use of funds or how they should be spent. The CFO added his clarification to that discussion. Following discussion, a Motion offered by Councilwoman Ewald, seconded by Councilman Johnsen to approve resolution 2016-39. The Roll Call vote was recorded as follows:

- AYES: Bresnak, Ewald, Johnsen, Mender, Cumiskey
 - NAYS: None
 - ABSENT: Pontone
 - ABSTAIN: None
- The Motion passed.

At this time the Mayor called for a Motion to open the meeting to the public. Motion offered by Councilman Mender, seconded by Councilman Johnsen to open the meeting to the public. All Councilmembers present voted in the affirmative. The Motion passed.

Nick Photiadis, 4 Paris Avenue, Rockleigh, came forward to inquire about his March 7, 2016 request of the Mayor and RSA regarding the ditch on his property. Upon conclusion of Mr. Photiadis' comments, the Borough Attorney asked Mr. Photiadis if his intention was to name the Borough as a party in his legal action of "quiet title". Mr. Photiadis stated he was not sure. Mr. Regan advised the Governing Body to refrain from any further comment on this matter so as to not prejudice the position of the Borough. A second issue was raised by Mr. Photiadis concerning the noise ordinance status. The Mayor stated the noise ordinance is in committee review and the committee was not in attendance at this meeting.

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

The May 2, 2016 Bill List was presented for discussion. Brief discussion took place regarding entries on the Bill List, which the Clerk and CFO answered. Following that discussion, a Motion was offered by Councilwoman Ewald, seconded by Councilman Mender to approve the Bill List dated May 2, 2016, noting the total claims and accounts amounting to \$363143.24 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, Cumiskey, Johnsen, Mender

NAYS: None

ABSENT: Pontone

ABSTAIN: None

The Motion passed.

At this time the Mayor distributed a document prepared by the Borough Engineer relating to the discussion during the April 4, 2016 Mayor and Council meeting on the Rockleigh Road improvement project and the pricing for all of the suggestions and proposals discussed. The Mayor asked that the Council review the documents prior to the June meeting when it will be discussed with Greg Polyniak, Borough Engineer.

CORRESPONDENCE:

The Mayor received a congratulatory letter from the County of Bergen Historic Preservation Advisory Board to inform him that the *John A. Haring Homestead and Douglas Johnsen, Sr.* had been selected to receive a 2016 Bergen County Historic Preservation Award on May 5, 2015 in Hackensack, NJ. The entire Governing Body expressed their congratulations to Councilman Johnsen.

Marilyn Bresnak commented on her attendance at the Girl Scout Gold Award ceremony for Maya Pontone and several Northvale resident Girl Scouts. Councilwoman Bresnak requested the Governing Body authorize separate resolutions similar to the resolution, previously adopted for Ms. Pontone, to honor the Northvale resident Girl Scouts who received their Gold Awards at the same ceremony held on April 23, 2016:

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

RESOLUTION COMMENDING GABRIELLE VISCONI UPON HER RECEIPT OF THE GIRL SCOUT GOLD AWARD.

WHEREAS, the Girl Scout Gold Award represents the highest achievement in Girl Scouting and challenges young women to address a community issue or problem and to create and implement a plan intended to benefit others; and

WHEREAS, within Girl Scouts of Northern New Jersey, only twelve (12%) percent of eligible girls earn their Girl Scout Gold Award, compared to the national average of six (6%) percent; and

WHEREAS, Gabrielle Visconi, a Borough of Northvale resident, was awarded the Girl Scout Award at a ceremony held on April 23, 2016; and

WHEREAS, for her Gold Award project Gabrielle established a Pet Therapy Program at the McGuire Senior Center in Northvale, benefitting both senior citizens and pets; and

WHEREAS, Gabrielle's program was inspired by Morristown Medical Center and a Pet Therapy Organization in Tenafly known as "Creature Comforts"; and

WHEREAS, Rebecca's efforts in her Girl Scout Award Project has benefitted many citizens and the public.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that it does hereby commend Gabrielle Visconi upon her receipt of the Girl Scout Gold Award and extends its best wishes to her and in her future endeavors.

Dated: May 2, 2016

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

**RESOLUTION COMMENDING REBECCA BAZELA UPON HER RECEIPT OF THE
GIRL SCOUT GOLD AWARD.**

WHEREAS, the Girl Scout Gold Award represents the highest achievement in Girl Scouting and challenges young women to address a community issue or problem and to create and implement a plan intended to benefit others; and

WHEREAS, within Girl Scouts of Northern New Jersey, only twelve (12%) percent of eligible girls earn their Girl Scout Gold Award, compared to the national average of six (6%) percent; and

WHEREAS, Rebecca Bazela, a Borough of Northvale resident, was awarded the Girl Scout Award at a ceremony held on April 23, 2016; and

WHEREAS, for her Gold Award project Rebecca volunteered at the Bergen County Health Center, a resident for geriatric patients and brought volunteers from the community who partnered with patients and became their "buddies"; and

WHEREAS, Rebecca was inspired by her Great Grandmother, a nursing home patient and recognized that persons in such facilities need companionship and friendship; and

WHEREAS, Rebecca's efforts in her Girl Scout Award Project has benefitted many citizens and the public.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that it does hereby commend Rebecca Bazela upon her receipt of the Girl Scout Gold Award and extends its best wishes to her and in her future endeavors.

Dated: May 2, 2016

BOROUGH OF ROCKLEIGH
County of Bergen
State of New Jersey

RESOLUTION COMMENDING KACI KOPEC UPON HER RECEIPT OF THE GIRL SCOUT GOLD AWARD.

WHEREAS, the Girl Scout Gold Award represents the highest achievement in Girl Scouting and challenges young women to address a community issue or problem and to create and implement a plan intended to benefit others; and

WHEREAS, within Girl Scouts of Northern New Jersey, only twelve (12%) percent of eligible girls earn their Girl Scout Gold Award, compared to the national average of six (6%) percent; and

WHEREAS, Kaci Kopec, a Borough of Northvale resident, was awarded the Girl Scout Award at a ceremony held on April 23, 2016; and

WHEREAS, for her Gold Award project Kaci partnered with the Closter Animal Welfare Society to raise awareness for its pet food pantry, enlisting the help of local businesses, schools and girl scout troops to help collect over 530 pet food items donated to CLAWS; and

WHEREAS, Kaci also established and managed a booth during town day to raise awareness for CLAWS and educate people about low cost spay/neuter resources; and

WHEREAS, Kaci's efforts in her Girl Scout Award Project has benefitted many citizens and the public.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that it does hereby commend Kaci Kopec upon her receipt of the Girl Scout Gold Award and extends its best wishes to her and in her future endeavors.

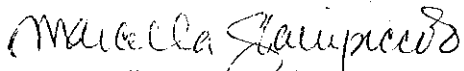
Dated: May 2, 2016

Motion offered by Councilwoman Ewald, seconded by Councilman Mender to approve resolutions for the remaining Gold Award recipients. All Councilmembers present voted in the affirmative. The Motion passed.

The Mayor briefly summarized the Preliminary Equalization Table 2016 as it related to Rockleigh. No other discussion followed.

No further business came before the Governing Body. Motion 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