

**MINUTES OF THE REGULAR MEETING OF THE MAYOR &
COUNCIL OF THE BOROUGH OF ROCKLEIGH, HELD ON SEPTEMBER 7, 2016 AT
BOROUGH HALL, 26 ROCKLEIGH RD., ROCKLEIGH NJ AT 8 PM**

Mayor Robert Schaffer called the meeting to order at 8:00 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 Deputy Borough Clerk called the Roll Call of the Mayor and Council:

Present: Mayor Schaffer, Councilwoman Bresnak, Councilman Johnsen, Councilman Cumiskey, and Councilman Pontone

Also Present: Robert T. Regan, Esq., Borough Attorney; William J. McGuire, Deputy Borough Clerk and Kunjesh Trivedi, CFO.

Absent: Councilman Mender, Councilwoman Ewald and Marcella Giampiccolo, Borough Clerk.

MINUTE APPROVAL:

Minutes from the July 6, 2016 Regular and Closed Session Meetings were presented for approval. A Motion was offered by Councilman Johnsen, seconded by Councilman Pontone to accept the July 6, 2016 Minutes as presented. All Councilmembers present voted in the affirmative, except Councilman Cumiskey, who abstained from the vote, to accept the Regular and Closed Session Minutes as presented. The Motion passed.

Minutes from the August 1, 2016 Regular and Closed Session Meetings were presented for approval. A Motion was offered by Councilman Johnsen, seconded by Councilman Cumiskey to accept the Regular and Closed Session minutes as presented. All Councilmembers present voted in the affirmative, except Councilman Pontone, who abstained from the vote, to accept the Regular and Closed Session Minutes as presented. The Motion passed.

COMMITTEE REPORTS:

No Committee reports were provided.

OLD BUSINESS:

The proposal dated August 23, 2016 by Neglia Engineering for Engineering & Construction Management Services for Rockleigh Road (Willow Avenue to NY State Border) project was briefly discussed. The Mayor commented that since the State has not lifted the ban on NJDOT projects the Borough will not invest any more money until the State lifts the band. In 2017 Neglia will try to obtain an extension from the State.

The Mayor discussed a suggestion presented to him by Dr. Ogden regarding the recent discussions for safety features on Rockleigh Road. Dr. Ogden suggested the intersection of Willow Avenue and Rockleigh Road be changed to a 3 way stop. The Councilmembers were in total agreement and asked Mr. Regan to prepare an amendment to the current Borough ordinance to add this 3 way stop to the corner of Willow Avenue and Rockleigh Road.

At this time Councilwoman Bresnak addressed the recent sealing of cracks on Rose Haven Lane. Discussion took place. The Mayor stated he met with the contractor again after Councilwoman Bresnak's concerns and stated the contractor would re-sweep Rose Haven Lane and look at the cracks on the road. Discussion moved to concerns over water getting under the seams of the newly sealed cracks on the roads. The Mayor commented that tar can only be put into a crack when the crack is open and not on spider cracks. The Mayor stated he is happy with the performance of the contractor and confirmed the work initially agreed upon was completed; however, he will speak with the contractor to review Rose Haven Lane again with him before he is paid for services.

At this time, the Mayor presented resolution 2016-45 and stated the Jewish Home at Rockleigh and the County of Bergen has each contributed their share of the total to be donated to the Northvale Ambulance Corp.

MOTION:

SECOND:

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

Re: RESOLUTION (2016-45) AUTHORIZING CONTRIBUTION TO THE NORTHVALE AMBULANCE CORP.

WHEREAS, the Northvale Ambulance Corp. provides ambulance service to citizens within the Borough of Rockleigh; and

WHEREAS, N.J.S.A. 40:5-2 permits a municipality to make a voluntary contribution to a volunteer ambulance squad association; and

WHEREAS, the Borough of Rockleigh has in prior years made a contribution of \$6,000 to the Northvale Ambulance Corp.; and

WHEREAS, the Chief Financial officer has certified that funds are available for the making of a contribution in the sum of \$6,000 to the Northvale Ambulance Corp., and are provided for in Volunteer Ambulance, Account No. 01-2010-25-2602-01.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rockleigh that it does hereby authorize a contribution in accordance with the provisions of the aforesaid statute in the sum of \$6,000 to the Northvale Ambulance Corp.

Dated: _____, 2016

Motion offered by Councilman Pontone, seconded by Councilwoman Bresnak to approve Resolution 2016-44. The Roll Call vote was recorded as follows:

AYES: Cumiskey, Johnsen, Bresnak, Pontone

NAYS: None

ABSENT: Ewald, Mender

ABSTAIN: None

The Motion passed.

As a follow-up from the August 1, 2016 Mayor and Council meeting's discussion, resolution (2016-46) for Borough Hall parking lot sealing project was presented for approval.

MOTION:

SECOND:

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

Re: RESOLUTION AWARDING A CONTRACT TO RAFFERTY'S BLACKTOP MAINTENANCE CORP. FOR SEAL COATING AND RESTRIPING THE PARKING LOT AT BOROUGH HALL, INCLUDING ALL SYMBOLS AND MARKINGS WHICH CURRENTLY EXIST.

WHEREAS, the Borough has solicited proposals for the seal coating and restriping of the parking lot at Borough Hall, including all symbols and markings which currently exist; and

WHEREAS, Rafferty's Blacktop Maintenance Corp. ("the Contactor"), 7 Badger Street, New City, New York has submitted a proposal for such work in the amount of \$2,150.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for such purpose, and are provided for in Roads/OE, Account No. 01-2010-26-2902-01.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rockleigh that it does hereby award a contract for the aforesaid work to the Contractor, conditioned upon including all symbols and markings which presently exist on the paved parking lot area. and

BE IT FURTHER RESOLVED that Mayor Robert R. Schaffer and Borough Clerk Marcella Giampiccolo be and are hereby authorized to execute the aforesaid Agreement for such services.

Dated: September 7, 2016

Motion offered by Councilman Pontone, seconded by Councilman Cumiskey to approve Resolution 2016-46. The Roll Call vote was recorded as follows:

AYES: Bresnak, Cumiskey, Johnsen, Pontone

NAYS: None

ABSENT: Ewald, Mender

ABSTAIN: None

The Motion passed.

Resolution 2016-47 regarding Authorizing Release of a Portion of the Performance Bond and Escrow Relating to MCP 8 King Road, LLC was presented for approval. Brief discussion took place the Mayor confirmed, along with the Borough Attorney, that the required work by MCP 8 King Road, LLC and was completed as required.

MOTION:

SECOND:

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

Re: RESOLUTION AUTHORIZING RELEASE OF A PORTION OF THE PERFORMANCE BOND AND ESCROW RELATING TO 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 premises known as 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 Developer, Borough and Planning Board dated November 12, 2013; and

WHEREAS, pursuant to Article IV, paragraph 4.1 of the Developer's Agreement, the Developer was required to post performance guarantees and escrow with the Borough; and

WHEREAS, correspondence from the Borough Engineer , revised to June 29, 2016, recommends the issuance of a permanent Certificate of Occupancy/Construction Completion, provided that the original maintenance guarantee remains active and a second maintenance bond in the amount of \$6,129.00 be posted, all as more particularly set forth in the Borough Engineer's letter.

NOW THEREFORE BE IT RESOLVED that the sum of \$43,115.62 be refunded by the Borough to the Developer which represents the balance after deduction for remaining escrow

invoices and for the second performance bond in the amount of \$6,129.00 required to be in effect for a period of two (2) years; and

BE IT FURTHER RESOLVED that the aforesaid refund to the Developer is conditioned upon the original maintenance bond continuing to remain in force and in effect and the Developer's compliance with all conditions pertaining to site plan approvals as detailed in the various resolutions of the Planning Board, as well as the provisions of the Developer's Agreement.

Dated: September 7, 2016

Motion offered by Councilman Pontone, seconded by Councilman Cumiskey to approve Resolution 2016-47 as presented. The Roll Call vote was recorded as follows:

AYES: Bresnak, Cumiskey, Johnsen, Pontone

NAYS: None

ABSENT: Ewald, Mender

ABTAIN: None

The Motion passed.

NEW BUSINESS:

Municipal Court fines were acknowledged for July, 2016. It was noted that police have had a very active presence on Paris Avenue recently. No police report was provided.

FINANCIAL BUSINESS/PAYMENT OF CLAIMS:

The Bill List dated September 7, 2016 was presented for approval. Brief discussion took place regarding a few entries on the Bill list which the CFO responded to. A Motion was offered by Councilman Cumiskey, seconded by Councilman Pontone to approve the Bill List dated September 7, 2016, noting the total claims and accounts amounting to \$207,883.74 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, Johnsen, Cumiskey, Pontone

NAYS: None

ABSENT: Ewald, Mender

ABSTAIN: None

The Motion passed.

At this time a Motion was offered by Councilman Pontone, seconded by Councilman Cumiskey to open the meeting to the public. All Councilmembers present voted in the affirmative. The Motion passed. No public came forward. Motion offered by Councilman Cumiskey, seconded by Councilman Pontone to close the meeting to the public. All Councilmembers present voted in the affirmative. The Motion closed.

CORRESPONDENCE:

No correspondence was listed on the meeting agenda.

Mayor Schaffer announced that the Governing Body was entering into Closed Session. 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 **8:32 p.m.** on **Wednesday, September 7, 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 Johnsen, seconded by Councilwoman Bresnak to approve the Closed Session. The Roll Call vote was recorded as follows:

AYES: Bresnak, Johnsen, Cumiskey, Pontone

NAYS: None

ABSENT: Ewald, Mender

ABSTAIN: None

The Motion passed.

Upon returning to the Regular Session of the meeting, the Borough Administrator requested approval from the Council to have a contractor grade the front lawn of the Borough property. Mr. McGuire suggested the lawn have a cut grade, reseeded and have the rocks removed along the curb line. The cost will not exceed \$1,000.00. Brief discussion took place and the Council agreed to the request. A Motion was offered by Councilman Pontone, seconded by Councilman Johnsen. All Councilmembers present voted in the affirmative to approve the grading of the Borough front lawn. The Motion passed.

Discussion moved to the whereabouts of the two (2) Borough vehicles. Mr. McGuire confirmed the vehicles were being held at Spaccavento Gas Station while the Borough Hall parking lot was sealed. They will be picked up and returned to the Borough Hall. The Mayor commented that that the 2017 municipal budget would allow for the purchase of a new Borough vehicle and

auction off the current two (2) vehicles. The CFO reviewed with the Council the process of on-line auctions as well as the purchasing of a new vehicle thru State contract versus public bidding.

Discussion moved to the concerns over the peeling paint along the back of the Borough Hall building. Mr. McGuire stated that the contractor (G.T.K.) was already scheduled to repair the peeling; however, he further added the contractor stated the peeling is due to moisture held within the wood siding and will again continue to peel over time. Discussion took place on how this peeling could be avoided. It was suggested that the Borough replace the wood planks with a hardy plank material or inserting weeping holes.

There being no further business to come before the Governing Body, a Motion was offered by Councilman Pontone, 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,

William J. McGuire,
Deputy Borough Clerk
Borough Administrator