

MINUTES OF THE SINE DIE MEETING OF THE MAYOR & COUNCIL OF THE BOROUGH OF ROCKLEIGH, HELD ON JANUARY 4, 2017 AT BOROUGH HALL, 26 ROCKLEIGH RD., ROCKLEIGH NJ AT 7:30 PM

Mayor Robert Schaffer called the meeting to order at 7:36 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 Johnsen, Councilman Cumiskey, Councilman Mender and Councilman Pontone

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

Absent: Councilwoman Ewald.

MINUTE APPROVAL:

Minutes from the December 5, 2016 Regular and Closed Session Meetings were presented for approval. A Motion was offered by Councilman Johnson, seconded by Councilman Mender to accept the December 5, 2016 Regular and Closed Session Minutes as presented. All Councilmembers present voted in the affirmative to accept the Minutes as presented. The Motion passed.

COMMITTEE REPORTS:

No committee reports were provided.

OLD BUSINESS:

Resolution 2016-65 was presented for consideration at the request of the NJ Supreme Court:

MOTION:

SECOND:

RESOLUTION (2016-65)

WHEREAS, pursuant to N.J.S.A. 2B:12-10, the Borough of Rockleigh is required to provide for a Municipal Court Administrator; and

WHEREAS, Maria T. Doerr, CMCA has been permanently appointed as Municipal Court Administrator of the Rockleigh Municipal Court; and

NOW THEREFORE BE IT RESOLVED, Kimberly McWilliams, CMCA is appointed as Municipal Court Administrator on a provisional basis to undertake the duties of the absent Municipal Court Administrator, during scheduled and/or unscheduled leaves, at a rate of \$35.00 per hour. Said compensation is to be paid by the Borough of Northvale, pursuant to the terms of the Interlocal Agreement between the Borough of Northvale and the Borough of Rockleigh.

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MOTION offered by Councilman Cumiskey, seconded by Councilwoman Bresnak to approve Resolution 2016-65. The Roll Call vote was recorded as follows:

AYES: Bresnak, Johnsen, Mender, Pontone, Cumiskey

NAYS: None

ABSENT: Ewald

ABSTAIN: None

The Motion passed.

The Mayor stated the following resolution memorialized the discussions held on December 5, 2016 regarding the pending litigation with the Rockleigh Equestrian Centre:

MOTION:

SECOND:

BOROUGH OF ROCKLEIGH
County of Bergen
State of New Jersey

Re: RESOLUTION AUTHORIZING KENNETH C. DOLECKI TO REPRESENT THE BOROUGH OF ROCKLEIGH IN PENDING LITIGATION.

WHEREAS, there is presently pending litigation in the Superior Court of New Jersey entitled, "Rockleigh Equestrian Centre, LLC v. Planning Board of Borough of Rockleigh and Borough of Rockleigh, Docket No. BER-L-007961-16"; and

WHEREAS, the within litigation relates to the denial of plaintiff's application by the Borough of Rockleigh Planning Board; and

WHEREAS, Kenneth C. Dolecki, Esq. is representing the Planning Board in said litigation; and

WHEREAS, the Governing Body is of the opinion that interest of cost and efficiency require that Mr. Dolecki represent the Borough in this litigation as well.

NOW THEREFORE BE IT RESOLVED that Planning Board Attorney Kenneth C. Dolecki be and is hereby authorized to represent the Borough of Rockleigh in said litigation and that he shall be compensated consistent with his current hourly rate.

Dated: January 4, 2017

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MOTION offered by Councilman Mender, seconded by Councilman Cumiskey. No discussion took place. The Roll Call vote was recorded as follows:

AYES: Bresnak, Johnsen, Mender, Cumiskey, Pontone

NAYS: None

ABSENT: Ewald
ABSTAIN: None
The Motion passed.

The Engineering Year End Report by Neglia Engineering Associates was presented; however, no discussion took place.

Mayor Schaffer asked Mr. Regan to speak about the Declaratory Judgment of Compliance and Repose. Mr. Regan stated on December 20, 2016 the Court conducted a Hearing on the Borough's Housing Element and Fair Share Plan. Mr. Regan, along with the Borough Planner, Greg Polyniak, was in attendance at this Hearing and the Attorney for Fair Share Housing participated by phone. Following the testimony report, it was determined that the Borough's Housing Element and Fair Share Plan was constitutionally compliant and signed a Declaratory Judgment of Compliance and Repose which grants a period of repose and immunity to the Borough until 2025 from Builders' Remedy and lawsuits. One of the remaining items to complete for Fair Share is the Administrative Agent must complete and submit the Affirmative Marketing Plan by January 20, 2017. Mr. Regan also commented that there will be a number of reporting requirements necessary on behalf of the Borough. Mr. Regan also thanked the Mayor and Councilmembers and the Borough Engineer and Planner, Greg Polyniak for their support and cooperation, including the Clerk and Administrator. The Mayor and Council also thanked Mr. Regan for his good work and professionalism in completing this project on behalf of the Borough.

The Municipal Court fines were acknowledged. The Mayor stated that the message board warning drivers of the new 3 Way Stop at the corner of Willow Avenue will stay on Rockleigh Road a few more weeks. A suggestion was offered for a blinking stop sign for a temporary basis to continue to warn drivers of the new 3 Way stop. It was the consensus of the Councilmembers present to pursue this option. Stripping of the roadway with the word "STOP" and white lines will be painted when the warm weather returns.

FINANCIAL BUSINESS/PAYMENT OF CLAIMS:

The Bill List dated December 31, 2016 was presented for approval. Motion was offered by Councilman Cumiskey, seconded by Councilman Pontone, to approve the Bill List dated December 31, 2016, noting the total claims and accounts amounting to \$56,473.36 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, Cumiskey, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Ewald

ABSTAIN: None

The Motion passed.

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The following Budget Transfer resolution was presented for consideration:

BOROUGH OF ROCKLEIGH
COUNTY OF BERGEN
STATE OF NEW JERSEY

RE: BUDGET TRANSFERS (Resolution 2016-64)

BE IT RESOLVED by the Mayor and Council of the Borough of Rockleigh that upon the recommendation of the Chief Financial Officer, the following transfers be made at this time between 2016 Budget line items.

From	
01-2010-20-1562-01 (Legal Services)	\$8,095.41
01-2010-25-2662-01 (Uniform Fire Safety Act)	\$4.79
01-2010-27-3301-01 (Board of Health)	\$0.33
01-2010-22-1951 (Construction)	\$0.12
01-2010-26-3011-01 (Building)	\$0.80
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To	
01-2010-20-1802-01 (Planning Board/OE)	\$8,000.00
01-2010-22-2011-01 (Fire Subcode)	\$4.79
01-2010-23-2153-01 (Employee Health)	\$95.41
01-2010-22-2021-01 (Zoning)	\$0.80
01-2010-22-2001-01 (Plumbing)	\$0.33
01-2010-22-2031-01 (Electrical)	\$0.12

Dated: _____, 2016

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MOTION offered by Councilman Pontone, seconded by Councilman Mender to approve resolution 2016-64 as presented. No discussion followed. The Roll Call vote was recorded as follows:

AYES: Bresnak, Johnsen, Mender, Pontone, Cumiskey

NAYS: None

ABSENT: Ewald

ABSTAIN: None

The Motion passed.

MOTION 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 Mender to close the meeting to the public. All Councilmembers present voted in the affirmative. The Motion passed.

At this time the Mayor reviewed the correspondence items listed on the agenda. No discussion took place regarding the Rockleigh Planning Board/Variance Review 2016 prepared by the Planning Board attorney. The Mayor commented the Planning Board did not see any places within the Code for Ordinances to be changed.

The request of the Governing Body for Support for a Grant to study the Sparkill Brook was agreed to by the Councilmembers. A letter will be drafted on behalf of the Borough and submitted to the NEIWPC.

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,



Marcella Giampiccolo, RMC
Borough Clerk