

MINUTES OF THE REGULAR MEETING OF THE MAYOR & COUNCIL OF THE BOROUGH OF ROCKLEIGH, HELD ON FEBRUARY 6, 2017 AT BOROUGH HALL, 26 ROCKLEIGH RD., ROCKLEIGH NJ AT 8 PM

Mayor Robert Schaffer called the meeting to order at 8:07 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*, *The Star Ledger*, 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 Hansen, Councilman Johnsen, 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.

Absent: Councilman Cumiskey

MINUTE APPROVAL:

Minutes from the January 4, 2017 Sine Die and Re-Organization and Regular Meetings were presented for approval. No discussion took place. A Motion was offered by Councilman Pontone, seconded by Councilman Mender to accept the January 4, 2017 Sine Die and Re-Organization and Regular Meeting Minutes as presented. All Councilmembers present voted in the affirmative, except Councilman Hansen, who abstained from the vote, to accept the Minutes as presented. The Motion passed.

COMMITTEE REPORTS:

Councilman Johnsen addressed the ongoing issue of excessive amounts of trash along the streets in Rockleigh, especially when entering Rockleigh and in the wetlands. Brief discussion took place regarding the posting of fines on signs. Following that discussion the Mayor asked the Borough Clerk to review the Borough's Ordinances as to littering within the Borough and associated fines for the next meeting of the Mayor and Council. In addition, discussion took place regarding the possible need to install signs stating the fines for littering.

No other Committee Reports were presented.

OLD BUSINESS:

At this time the Mayor asked Mr. Mauricio Barragan of Tilson, representing Verizon, to come forward to address Verizon's request for permission to install small network nodes/public right-of-way in the Borough. Following Mr. Barragan's presentation, the Council asked questions regarding the presentation and both Mr. Regan and Mr. Polyniak added their concerns, primarily inquiring about the location of the poles and the number of poles and reminding Verizon that Rockleigh is a National Historic District. At the conclusion of this presentation, the Council agreed that any further work required by the Borough professionals would require escrow to be posted by

Verizon and answers to the questions discussed, along with the providing of exact pictures of the types of nodes that would be used in Rockleigh.

Bond Ordinance 2017-1 had its Second Reading and Public Hearing. The Mayor read the title aloud as follows: "Bond Ordinance to Authorize the Improvement of Rockleigh Road (Section 1) In, By and For the Borough of Rockleigh, In the County of Bergen, State of New Jersey, To Appropriate the Sum of \$167,000 to Pay the Cost Thereof, 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".

Motion offered by Councilman Pontone, seconded by Councilman Johnsen to open the meeting to the public as to Bond Ordinance 2017-1. All Councilmembers present voted in the affirmative. The Motion passed. No public came forward. Motion offered by Councilman Pontone, seconded by Councilman Johnsen to close the meeting to the public as to Bond Ordinance 2017-1. All Councilmembers present voted in the affirmative. The Motion passed. No further discussion took place regarding the Bond Ordinance.

BOND ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF ROCKLEIGH ROAD (SECTION 1) IN, BY AND FOR THE BOROUGH OF ROCKLEIGH, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$167,000 TO PAY THE COST THEREOF, 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.

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

Section 1. The Borough of Rockleigh, in the County of Bergen, State of New Jersey (the "Borough"), is hereby authorized to improve Rockleigh Road (Section 1) in, by and for the Borough. Said improvement shall include road resurfacing, curb and drainage improvements, where necessary, and all work, materials and appurtenances necessary and suitable therefor, and shall be undertaken in accordance with plans and specifications prepared or to be prepared by the Borough Engineer and hereby approved and incorporated herein by this reference thereto. Such plans and specifications are on file or shall be placed on file with the Borough Clerk and made available for public inspection during regular business hours. It is hereby determined and stated that said road being improved is of "Class B" or equivalent construction as

defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 2. The sum of \$167,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 of this ordinance (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized by this ordinance. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) because this ordinance involves a project to be funded by a State grant. It is anticipated that a grant in the amount of \$149,000 from the New Jersey Department of Transportation shall be received by the Borough to finance the cost of the improvement described in Section 1 hereof. Said grant funds shall be applied as set forth in Section 9 hereof. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of the Borough, (2) it is necessary to finance said purpose by the issuance of obligations of the Borough pursuant to the Local Bond Law, (3) the estimated cost of said purpose is \$167,000, (4) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$167,000, and (5) the cost of said purpose, as hereinbefore stated, includes the aggregate amount of \$18,000, which is estimated to be necessary to finance the cost of said purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. To finance said purpose, bonds of the Borough of an aggregate principal amount not exceeding \$167,000 are hereby authorized to be issued pursuant

to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 5. To finance said purpose, bond anticipation notes of the Borough of an aggregate principal amount not exceeding \$167,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized

to sell said notes either at one time or from time to time in the manner provided by law.

Section 7. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 8. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of the Borough, and that such statement so filed shows that the gross debt of the Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$167,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 9. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of said purpose shall be applied to the payment of the cost of said purpose or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for said purpose shall be reduced accordingly.

Section 10. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 11. The Borough intends to issue bonds or notes to finance the cost of the improvement described in Section 1 of this ordinance. If the Borough incurs such costs prior to the issuance of such bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this ordinance.

Section 12. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. This ordinance shall take effect twenty days after the first publication thereof after final passage.

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Motion was offered by Councilman Mender, seconded by Councilman Johnsen to adopt Bond Ordinance 2017-1 as presented. The Roll Call vote was recorded as follows:
AYES: Bresnak, Hansen, Johnsen, Mender, Pontone
NAYS: None
ABSENT: Cumiskey
ABSTAIN: None
The Motion passed

Resolution 2017-19 was presented for consideration.

MOTION:
SECOND:

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

#2017-19

Re: RESOLUTION AWARDING CONTRACT TO NEGLIA ENGINEERING ASSOCIATES FOR THE YEAR 2016 ANNUAL REPORT TO THE NJDEP BUREAU OF NONPOINT SOURCE POLLUTION CONTROL

WHEREAS, the Borough requires services to address the year 2016 Annual Report to the NJDEP Bureau of Nonpoint Source Pollution Control pursuant to NJDEP Municipal Stormwater Management Program requirements; and

WHEREAS, the Borough is in receipt of a proposal dated January 12, 2017 from Neglia Engineering Associates to provide services in connection with the year 2016 Annual Report as described aforesaid for a total cost of \$2,450.00; and

WHEREAS, such services constitute professional services, thereby permitting award by the Governing Body without public advertising for bids pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS that the Chief Financial Officer has certified that funds are available for this project under line-item 01-2010-20-1652-01 Engineering Services/OE.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rockleigh that it does hereby award a contract to Neglia Engineering Associates for the year 2016 Annual Report to the NJDEP Bureau Of Nonpoint Source Pollution Control in accordance with an Agreement For Professional Services dated January 12, 2017, with such firm to be compensated in the amount of \$2,450.00; and

BE IT FURTHER RESOLVED that notice of the award of this Agreement shall be published in accordance with the provisions of the aforesaid statute, which notice shall indicate that this resolution and the Agreement for Professional Services are on file and available for inspection in the Office of the Borough Clerk; and

BE IT FURTHER RESOLVED that Mayor Robert R. Schaffer and Borough Clerk Marcella Giampiccolo be and are hereby authorized to execute the Agreement For Professional Services for this project.

Dated: _____, 2017

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Motion offered by Councilman Pontone, seconded by Councilwoman Bresnak to approve Resolution 2017-19. The Roll Call vote was recorded as follows:

AYES: Bresnak, Hansen, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Cumiskey

ABSTAIN: None

The Motion passed

Resolution 2017-21 was presented for consideration (ahead of Resolution 2017-20).

MOTION:

SECOND:

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

Re: RESOLUTION (2017-21) APPROVING THE BOROUGH'S AFFIRMATIVE FAIR HOUSING MARKETING PLAN.

WHEREAS, on or about June 25, 2015 the Borough of Rockleigh filed in the Superior Court of New Jersey a matter entitled, "In The Matter of the Application of the Borough of Rockleigh, a Municipal Corporation of the State of New Jersey, For Substantive Certification, Docket No. BER-L-5761-15" which sought approval of the Borough's Affordable Housing Compliance Plan and the granting of a Declaratory Judgment of Compliance and Repose in connection therewith; and

WHEREAS, on December 20, 2016 the Honorable Menelaos W. Toskos entered a Declaratory Judgment of Compliance and Repose approving the Borough's Affordable Housing Plan; and

WHEREAS, paragraph 9 of the Final Judgment required the completion of an Affirmative Marketing Plan and that same be submitted to the Special Master and Fair Share Housing Center, Inc. ("FSHC") for approval within thirty (30) days of said date; and

WHEREAS, the Affirmative Marketing Plan has been submitted to the foregoing parties and approved; and

WHEREAS, the Final Judgment also requires approval by the Mayor and Council of the Affirmative Marketing Plan; and

WHEREAS, the Governing Body has reviewed the Affirmative Marketing Plan.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rockleigh that the Affirmative Marketing Plan be and is hereby adopted; and

BE IT FURTHER RESOLVED that the Borough Attorney be and is hereby authorized to advise the Court, Special Master Shirley Bishop, and FSHC of the adoption of this resolution.

Dated: February 6, 2017

Mr. Regan commented that this is the last item the Borough was required to address regarding the Judgment of Compliance and Period of Repose in the Borough’s Declaratory Judgment Action decided on December 20, 2016. The Administrative Agent prepared the Affirmative Marketing Plan in accordance with that Court Order.

Motion offered by Councilman Pontone, seconded by Councilman Mender to approve Resolution 2017-21 as presented. The Roll Call vote was recorded as follows:

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

Resolution 2017-20 was presented for consideration.

MOTION:
SECOND:

BOROUGH OF ROCKLEIGH
County of Bergen
State of New Jersey

Re: RESOLUTION (2017-20) APPROVING AN AGREEMENT FOR CERTIFIED RECYCLING PROFESSIONAL SERVICES WITH THE BERGEN COUNTY UTILITIES AUTHORITY.

WHEREAS, the New Jersey Recycling Enhancement Act (“the Act”) requires that every New Jersey municipality submit an Annual Recycling Tonnage Report (“the Report”) to the New Jersey Department of Environmental Protection (“DEP”) duly signed by a Certified Recycling Professional (“CRP”) on or before April 30th of each year; and

WHEREAS, failure to provide such Tonnage Report may jeopardize the receipt of the Annual Recycling Tonnage Grant; and

WHEREAS, the Bergen County Utilities Authority (“BCUA”), as part of its Certified Recycling Professional Tonnage Grant Assistance Program, will provide the services of a CRP to sign and submit the Report to the DEP at no cost; and

WHEREAS, the Governing Body has determined to designate the BCUA and its CRP to sign and submit the Report to the DEP; and

WHEREAS, such services will be provided to the Borough by the BCUA at no cost.

NOW THEREFORE BE IT RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a Service Agreement with the BCUA for the aforementioned services; and

BE IT FURTHER RESOLVED that a copy of the Agreement after execution shall be forwarded to Richard Wierer, Director of Solid Waste of the BCUA, as well as a copy of the within resolution.

Dated: _____

Brief discussion took place about the services provided at no cost to the Borough. Following that discussion a Motion offered by Councilman Mender, seconded by Councilman Pontone to adopt resolution 2017-20 as presented. The Roll Call vote was recorded as follows:

AYES: Bresnak, Hansen, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Cumiskey

ABSTAIN: None

The Motion passed.

Prior to Resolution 2017-23 being presented, Mayor Schaffer answered some questions of the Council regarding the parcel of property affected by this Agreement.

MOTION:

SECOND:

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

Re: RESOLUTION APPROVING THE AGREEMENT BETWEEN THE BOROUGH AND THE JEWISH HOME AT ROCKLEIGH EXTENDING PAYMENT OBLIGATION.

WHEREAS, the Jewish Home At Rockleigh (“the Jewish Home”) is the owner of certain property known and designated as Block 104, Lot 1 as depicted on the Borough of Rockleigh tax map, being more commonly known as 10 Link Drive (“the property”); and

WHEREAS, the property comprises a land area of 15.02 acres whereon the Jewish Home operates a nursing home, adult day care facility, an outpatient clinic and other ancillary and related services (collectively “the Facility”); and

WHEREAS, pursuant to a Stipulation of Settlement and Consent Judgment (“the Stipulation of Settlement”) entered in the United States District Court, District of New Jersey in a matter entitled, “Jewish Home and Rehabilitation Center, Inc., et al v. The Borough of Rockleigh, New Jersey, et al, Docket No. 95-1730 (WHW)”, the Jewish Home was granted certain land use approvals to construct and operate the Facility; and

WHEREAS, the Stipulation of Settlement provides, at paragraph 8, that for a period of fifteen (15) years from the date on which a Certificate of Occupancy is issued for the Facility, the Jewish Home is obligated to pay to the Borough an annual payment in lieu of ad valorem real estate taxes on the property in the amount of \$35,000.00; and

WHEREAS, the fifteen (15) year period expired on or about December 31, 2016; and

WHEREAS, the parties hereto wish to extend the aforesaid payment provision for a period of five (5) years.

NOW THEREFORE BE IT RESOLVED that Mayor R. Schaffer and Borough Clerk Marcella Giampiccolo be and are hereby authorized to execute on behalf of the Borough an Agreement extending the payment obligation whereby the Jewish Home

agrees to pay the Borough the sum of Thirty-five (\$35,000.00) Dollars annually for the period commencing January 1, 2017 and terminating on December 31, 2021.

Dated: February 6, 2017

Motion offered by Councilman Pontone, seconded by Councilman Hansen to approve Resolution 2017-23 as presented. The Roll Call vote was recorded as follows:

AYES: Bresnak, Hansen, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Cumiskey

ABSTAIN: None

The Motion passed.

MOTION:
SECOND:

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 a contractual issue

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that at **8:39 p.m.** on **MONDAY, FEBRUARY 6, 2017** 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 Pontone, seconded by Councilman Hansen to enter into Closed Session. All Councilmembers present voted in the affirmative to enter into Closed Session for the purpose of discussing a contractual issue. The Motion passed.

Upon returning to Regular Session, the Borough Engineer, Gregory Polyniak, came forward to address the Recommendation package prepared by Neglia Engineering Associates for the Rockleigh Road, Section I project. The resolution to Award the Contract will be presented at the March Mayor and Council meeting. Mr. Polyniak

stated the lowest responsible bidder was D&L Paving, which will allow for some additional work under the grant, for example, additional milling, solar stop sign and Belgium curbing along the first curve and add additional Belgium curbing to the intersection of Willow Avenue. Discussion took place regarding change orders that fall within the 20% with the Council and will prepare a detailed list of possible changes for the project. A Pre-Construction meeting will also address the change orders, budgeting and prices.

Municipal Court fines and Police Report were acknowledged for December 2016. No discussion took place.

FINANCIAL BUSINESS/PAYMENT OF CLAIMS:

The CFO presented Resolution 2017-22 an appropriation reserve budget transfer.

MOTION:

SECOND:

**BOROUGH OF ROCKLEIGH
COUNTY OF BERGEN
STATE OF NEW JERSEY**

RESOLUTION (2017-22)

RE: **BUDGET TRANSFERS**

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:

01-2030-26-2902-01	\$5,000.00
Street and Roads/OE	

To:

01-2030-20-1802-01	\$4,000.00
Planning Board/OE	

01-2030-20-1652-01	\$1,000.00
Engineering/OE	

Dated: February 6, 2017

Brief discussion took place regarding the invoices that came in that required additional monies. The CFO stated the invoices were for Planning Board items and Engineering items. No further discussion took place. A Motion offered by Councilman

Mender, seconded by Councilman Johnsen to approve resolution 2017-22 budget transfer. The Roll Call vote was recorded as follows:

AYES: Bresnak, Hansen, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Cumiskey

ABSTAIN: None

The Motion passed.

The Bill List dated February 6, 2017 was presented for approval along with the Bill List dated January 2017 distributed at the meeting by the CFO. Motion was offered by Councilwoman Bresnak, seconded by Councilman Mender, to approve the Bill List dated February 6, 2017, noting the total claims and accounts amounting to \$348,819.33 is paid, and the Bill List dated January 2017, noting the total claims and accounts amounting to \$18,993.34 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, Hansen, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Cumiskey

ABSTAIN: None

The Motion passed.

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

CORRESPONDENCE:

The Mayor commented on the correspondence listed on the agenda, reading aloud his response to the NYS DEC Hudson River Estuary Program requesting support by the Borough of Rockleigh. In addition, the Mayor read aloud a thank-you note from Councilman Pontone to the Council acknowledging the donation made on behalf of his late mother. No other discussion took place.

No further business to come before the Governing Body, a Motion was offered by Councilman Pontone seconded by Councilman Johnsen to adjourn the meeting. All Councilmembers present voted in the affirmative and the meeting was adjourned. The Motion passed.

Respectfully submitted,



Marcella Giampiccolo,
Borough Clerk