

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

Mayor Robert Schaffer called the meeting to order at 8:15 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 (arrived at 8:20 p.m.) and Councilman Cumiskey

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

**Present for Closed Session only:** Kenneth C. Dolecki, Esq., Planning Board Attorney

**Absent:** Councilman Pontone

**MINUTE APPROVAL:**

Minutes from the February 6, 2017 Regular Meeting were presented for approval. No discussion took place. A Motion was offered by Councilman Johnsen, seconded by Councilwoman Bresnak to accept the February 6, 2017 Regular Meeting Minutes as presented. All Councilmembers present voted in the affirmative, except Councilman Cumiskey, who abstained from the vote, to accept the Minutes as presented. The Motion passed.

Minutes from the February 6, 2017 Closed Session Meeting were presented for approval. No discussion took place. A Motion was offered by Councilwoman Bresnak, seconded by Councilman Mender to approve the February 6, 2017 Closed Session minutes. All Councilmembers present voted in the affirmative, except Councilman Cumiskey, who abstained from the vote, to accept the Minutes as presented. The Motion passed.

**COMMITTEE REPORTS:**

Councilwoman Bresnak advised the Council that she confirmed with SUEZ Water that the dip in the road between Rose Haven Lane and Piermont Road will be fixed. Discussion moved regarding the excessive littering along the wetlands and in the Right-of-Ways in town. At the conclusion of that discussion the Council agreed to have a sign installed at the Borough line stating the fines for littering.

(Councilman Mender arrives to the meeting at 8:20 p.m.)

No other Committee Reports were presented.

**OLD BUSINESS:**

At this time, Gregory Polyniak came forward to explain the engineer’s estimate for additional options for the Rockleigh Road Improvement Project (NJDOT funded). At the conclusion of the discussion the Council agreed to continue with the Belgium block curb as identified on the March 1, 2017 “2016 Project Limits to Willow Avenue (At “STOP” Marking) Engineer’s Cost Estimate”. Mr. Regan stated that the proposed resolution (2017-24) could be amended this evening to reflect the Council’s decisions. Mr. Regan revised the resolution and read aloud the proposed amended changes. Motion offered by Councilman Cumiskey, seconded by Councilman Mender to approve Resolution 2017-24, as amended. The Roll Call vote was recorded as follows:

AYES: Bresnak, Hansen, Johnsen, Mender, Cumiskey

NAYS: None

ABSENT: Pontone

ABSTAIN: None

The Motion passed.

Prior to the adjournment of this meeting a subsequent amendment to resolution 2017-24 was made. The following Resolution is final and was adopted by Motion offered by Councilman Hansen, seconded by Councilman Mender. The Roll Call vote was recorded as follows:

AYES: Bresnak, Hansen, Johnsen, Mender, Cumiskey

NAYS: None

ABSENT: Pontone

ABSTAIN: None

The Motion passed.

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MOTION:

SECOND:

BOROUGH OF ROCKLEIGH  
County of Bergen  
State of New Jersey

**Resolution 2017-24**

**Re:** RESOLUTION AWARDING A CONTRACT TO D & L PAVING CONTRACTORS, INC. FOR THE ROCKLEIGH ROAD IMPROVEMENTS (NJDOT FUNDED).

**WHEREAS**, the Borough of Rockleigh advertised that sealed bids would be received for the Rockleigh Road Improvement (NJDOT Funded) project (“the Project”) on January 31, 2017; and

**WHEREAS**, in response to the advertisement for bids, the lowest bid submitted was from D & L Paving Contractors, Inc. (“the Contractor”), 675 Franklin Avenue,

Nutley, New Jersey in the aggregate amount of \$97,574.73 representing the Base Bid for Roadway Improvements of \$71,522.03, Alternative Bid A – Additional Belgian Block Curb and Catch Basin Repair in the amount of \$19,552.70, and Alternative Bid B – Flashing Speed Limit Signage – if and where directed in the amount of \$6,500.00; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this project under Account No. 06-0215-55-2017-0000.

**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 Project in the amount of \$97,574.73; and

**BE IT FURTHER RESOLVED** Mayor R. Schaffer and Borough Clerk Marcella Giampiccolo be and are hereby authorized to execute a Contract for the Project.

**Dated: March 6, 2017**

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At this time the Mayor announced the Governing Body would enter into Closed Session. The Resolution was read aloud by Mr. Regan:

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 the Rockleigh Equestrian Centre lawsuit.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council that at **8:32 p.m.** on **MONDAY, MARCH 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.

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Motion offered by Councilman Cumiskey, seconded by Councilman Johnsen. Councilwoman Bresnak announced she would be recusing herself from the Closed Session and leaving the room as her children and grandchildren are involved in this matter. (Upon Councilwoman's exit from the Council room, the Roll Call vote was recorded as follows:

AYES: Hansen, Johnsen, Mender, Cumiskey

NAYS: None

ABSENT: Pontone

ABSTAIN: Bresnak

The Motion passed

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Upon returning to Regular Session of the meeting, Mayor Schaffer continued with the New Business of the agenda. Borough of Rockleigh Calendar Year 2017 Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A CAP Bank was presented for its Introduction and First Reading:

**BOROUGH OF ROCKLEIGH  
BERGEN COUNTY, NEW JERSEY  
CALENDAR YEAR 2017 ORDINANCE TO EXCEED  
THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A-4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough Council of the Borough of Rockleigh in the County of Bergen finds its advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a 3.5% increase in the budget of said year, amount to \$20,266 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW, THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Rockleigh, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2017 budget year, the final appropriations of the Borough of Rockleigh shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$20,266, and that the 2017 municipal budget for the Borough of Rockleigh be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

\* \* \* \* \*

Motion offered by Councilman Cumiskey, seconded by Councilman Johnsen to approve the Introduction and First Reading of the CAP Ordinance. The Roll Call vote was recorded as follows:

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

The second reading and public hearing for the CAP Ordinance will take place at the April 3, 2017 meeting.

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Resolution 2017-25 regarding the Introduction of the 2017 Budget was presented as follows:

BOROUGH OF ROCKLEIGH  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 2017-25

Re: Introduction of 2017 Budget

**BE IT RESOLVED**, that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Rockleigh, Bergen County, New Jersey for the year 2017.

**BE IT FURTHER RESOLVED**, that the said budget be published in The Record in the issue of March 13, 2017, and that a hearing on the Budget will be held at the Municipal Building on April 3, 2017 at 8:00 o'clock (P.M.) or as soon thereafter as the matter may be reached.

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Mayor Schaffer briefly commented on the 2017 Budget. Following discussion, a Motion was offered by Councilman Cumiskey, seconded by Councilman Mender to approve Resolution 2017-25, the Introduction of the 2017 Municipal Budget. The Roll Call vote was recorded as follows:

AYES: Bresnak, Hansen, Johnsen, Mender, Cumiskey

NAYS: None

ABSENT: Pontone

ABSTAIN: None

The Motion passed.

The Public Hearing and Adoption of the 2017 Municipal Budget is set for April 3, 2017 at 8:00 p.m.

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Following the vote of the budget introduction, brief discussion took place regarding anticipated general revenues. The CFO commented on this issue. The Mayor commented that the Borough is seeking out information to purchase a generator for the Borough Hall building. Brief discussion took place. The Mayor will report to the Council after additional information is available.

Municipal Court fines were acknowledged. No Police Report for February 2017 was available. No discussion took place.

**FINANCIAL BUSINESS/PAYMENT OF CLAIMS:**

The Bill List dated March 6, 2017 was presented for approval. Brief discussion took place regarding an entry on the Bill List. A Motion was offered by Councilman Mender, seconded by Councilman Johnsen, to approve the Bill List dated March 6, 2017, noting the total claims and accounts amounting to \$152,258.57 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, Cumiskey

NAYS: None

ABSENT: Pontone

ABSTAIN: None

The Motion passed.

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Mayor Schaffer noted for the record that no public was seated in the audience.

**ATTORNEY REPORT:** None.

**CORRESPONDENCE:**

Mayor Schaffer noted there will be a Republican Club meeting on Thursday, March 23, 2017 at 8:00 p.m. at the Borough Hall.

No further business to come before the Governing Body, a Motion was offered by Councilman Cumiskey 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